

Union Calendar No. 193

104TH CONGRESS
1ST Session

H. R. 1710

[Report No. 104-383]

A BILL

To combat terrorism.

DECEMBER 5, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To combat terrorism.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1995

Mr. HYDE (for himself, Mr. MCCOLLUM, Mr. SMITH of Texas, Mr. GEKAS, Mr. CANADY of Florida, Mr. HOKE, and Mr. BONO) introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER 5, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 25, 1995]

A BILL

To combat terrorism.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. SHORT TITLE.**
4 *This Act may be cited as the “Comprehensive*
5 *Antiterrorism Act of 1995”.*

1 **SEC. 2. TABLE OF CONTENTS.**

2 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—NEW OFFENSES

Sec. 101. Protection of Federal employees.

Sec. 102. Prohibiting material support to terrorist organizations.

Sec. 103. Modification of material support provision.

Sec. 104. Acts of terrorism transcending national boundaries.

Sec. 105. Conspiracy to harm people and property overseas.

Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.

Sec. 107. Expansion and modification of weapons of mass destruction statute.

Sec. 108. Addition of offenses to the money laundering statute.

Sec. 109. Expansion of Federal jurisdiction over bomb threats.

Sec. 110. Clarification of maritime violence jurisdiction.

Sec. 111. Possession of stolen explosives prohibited.

Sec. 112. Study to determine standards for determining what ammunition is capable of penetrating police body armor.

TITLE II—INCREASED PENALTIES

Sec. 201. Mandatory minimum for certain explosives offenses.

Sec. 202. Increased penalty for explosive conspiracies.

Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.

Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.

Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.

Sec. 206. Directions to Sentencing Commission.

TITLE III—INVESTIGATIVE TOOLS

Sec. 301. Interceptions of communications.

Sec. 302. Pen registers and trap and trace devices in foreign counterintelligence investigations.

Sec. 303. Disclosure of certain consumer reports to the Federal Bureau of Investigation for foreign counterintelligence investigations.

Sec. 304. Access to records of common carriers, public accommodation facilities, physical storage facilities, and vehicle rental facilities in foreign counterintelligence and counterterrorism cases.

Sec. 305. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.

Sec. 306. Application of statutory exclusionary rule concerning intercepted wire or oral communications.

Sec. 307. Exclusion of certain types of information from wiretap-related definitions.

Sec. 308. Addition of conspiracies to temporary emergency wiretap authority.

Sec. 309. Requirements for multipoint wiretaps.

Sec. 310. Access to telephone billing records.

Sec. 311. Requirement to preserve record evidence.

Sec. 312. Authority to request military assistance with respect to offenses involving biological and chemical weapons.

Sec. 313. Detention hearing.

Sec. 314. Reward authority of the Attorney General.

Sec. 315. Definition of terrorism.

Sec. 316. Protection of Federal Government buildings in the District of Columbia.

Sec. 317. Study of thefts from armories; report to the Congress.

TITLE IV—NUCLEAR MATERIALS

Sec. 401. Expansion of nuclear materials prohibitions.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

Sec. 501. Definitions.

Sec. 502. Requirement of detection agents for plastic explosives.

Sec. 503. Criminal sanctions.

Sec. 504. Exceptions.

Sec. 505. Investigative authority.

Sec. 506. Effective date.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

Sec. 601. Removal procedures for alien terrorists.

Sec. 602. Funding for detention and removal of alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

Sec. 611. Membership in terrorist organization as ground for exclusion.

Sec. 612. Denial of asylum to alien terrorists.

Sec. 613. Denial of other relief for alien terrorists.

Subtitle B—Expedited Exclusion

Sec. 621. Inspection and exclusion by immigration officers.

Sec. 622. Judicial review.

Sec. 623. Exclusion of aliens who have not been inspected and admitted.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

Sec. 631. Access to certain confidential ins files through court order.

Sec. 632. Waiver authority concerning notice of denial of application for visas.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

Sec. 641. Criminal forfeiture for passport and visa related offenses.

Sec. 642. Subpoenas for bank records.

Sec. 643. Effective date.

Subtitle D—Employee Verification by Security Services Companies

Sec. 651. Permitting security services companies to request additional documentation.

TITLE VII—AUTHORIZATION AND FUNDING

Sec. 701. Authorization of appropriations.

Sec. 702. Civil monetary penalty surcharge and telecommunications carrier compliance payments.

Sec. 703. Firefighter and emergency services training

Sec. 704. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.

Sec. 705. Research and development to support counterterrorism technologies.

TITLE VIII—MISCELLANEOUS

Sec. 801. Machine readable visas and passports.

Sec. 802. Study of State licensing requirements for the purchase and use of high explosives.

Sec. 803. Compensation of victims of terrorism.

Sec. 804. Jurisdiction for lawsuits against terrorist States.

Sec. 805. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.

Sec. 806. Compilation of statistics relating to intimidation of Government employees.

1 *TITLE I—NEW OFFENSES*

2 *SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.*

3 (a) *HOMICIDE.*—Section 1114 of title 18, United
4 *States Code, is amended to read as follows:*

5 “*§1114. Protection of officers and employees of the*
6 *United States*

7 “Whoever kills or attempts to kill any officer or em-
8 *ployee of the United States or of any agency in any branch*
9 *of the United States Government (including any member*
10 *of the uniformed services) while such officer or employee is*
11 *engaged in or on account of the performance of official du-*
12 *ties, or any person assisting such an officer or employee*
13 *in the performance of such duties or on account of that as-*
14 *sistance, shall be punished, in the case of murder, as pro-*
15 *vided under section 1111, or in the case of manslaughter,*

1 *as provided under section 1112, or, in the case of attempted*
 2 *murder or manslaughter, as provided in section 1113.”.*

3 (b) *THREATS AGAINST FORMER OFFICERS AND EM-*
 4 *PLOYEES.—Section 115(a)(2) of title 18, United States*
 5 *Code, is amended by inserting “, or threatens to assault,*
 6 *kidnap, or murder, any person who formerly served as a*
 7 *person designated in paragraph (1), or” after “assaults,*
 8 *kidnaps, or murders, or attempts to kidnap or murder”.*

9 ***SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST***
 10 ***ORGANIZATIONS.***

11 (a) *IN GENERAL.—That chapter 113B of title 18,*
 12 *United States Code, that relates to terrorism is amended*
 13 *by adding at the end the following:*

14 ***“§2339B. Providing material support to terrorist or-***
 15 ***ganizations***

16 *“(a) OFFENSE.—Whoever, within the United States,*
 17 *knowingly provides material support or resources in or af-*
 18 *fecting interstate or foreign commerce, to any organization*
 19 *which the person knows or should have known is a terrorist*
 20 *organization and that has been designated under section*
 21 *212(a)(3)(B)(iv) of the Immigration and Nationality Act*
 22 *as a terrorist organization shall be fined under this title*
 23 *or imprisoned not more than 10 years, or both.*

1 “(b) *DEFINITION.*—As used in this section, the term
 2 ‘material support or resources’ has the meaning given that
 3 term in section 2339A of this title.”.

4 (b) *CLERICAL AMENDMENT.*—The table of sections at
 5 the beginning of chapter 113B of title 18, United States
 6 Code, is amended by adding at the end the following new
 7 item:

“2339B. Providing material support to terrorist organizations.”.

8 **SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVI-**
 9 **SION.**

10 Section 2339A of title 18, United States Code, is
 11 amended read as follows:

12 **“§ 2339A. Providing material support to terrorists**

13 “(a) *OFFENSE.*—Whoever, within the United States,
 14 provides material support or resources or conceals or dis-
 15 guises the nature, location, source, or ownership of material
 16 support or resources, knowing or intending that they are
 17 to be used in preparation for or in carrying out, a violation
 18 of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203,
 19 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this
 20 title or section 46502 of title 49, or in preparation for or
 21 in carrying out the concealment or an escape from the com-
 22 mission of any such violation, shall be fined under this title,
 23 imprisoned not more than ten years, or both.

24 “(b) *DEFINITION.*—In this section, the term ‘material
 25 support or resources’ means currency or other financial se-

1 *curities, financial services, lodging, training, safehouses,*
 2 *false documentation or identification, communications*
 3 *equipment, facilities, weapons, lethal substances, explosives,*
 4 *personnel, transportation, and other physical assets, except*
 5 *medicine or religious materials.”.*

6 **SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL**
 7 **BOUNDARIES.**

8 (a) *OFFENSE.*—Title 18, United States Code, is
 9 amended by inserting after section 2332a the following:

10 **“§2332b. Acts of terrorism transcending national**
 11 **boundaries**

12 “(a) *PROHIBITED ACTS.*—

13 “(1) *Whoever, involving any conduct transcend-*
 14 *ing national boundaries and in a circumstance de-*
 15 *scribed in subsection (b)—*

16 “(A) *kills, kidnaps, maims, commits an as-*
 17 *sault resulting in serious bodily injury, or as-*
 18 *saults with a dangerous weapon any individual*
 19 *within the United States; or*

20 “(B) *creates a substantial risk of serious*
 21 *bodily injury to any other person by destroying*
 22 *or damaging any structure, conveyance, or other*
 23 *real or personal property within the United*
 24 *States or by attempting or conspiring to destroy*
 25 *or damage any structure, conveyance, or other*

1 *real or personal property within the United*
2 *States;*
3 *in violation of the laws of any State or the United*
4 *States shall be punished as prescribed in subsection*
5 *(c).*

6 “(2) *Whoever threatens to commit an offense*
7 *under paragraph (1), or attempts or conspires to do*
8 *so, shall be punished as prescribed in subsection (c).*

9 “(b) *JURISDICTIONAL BASES.—The circumstances re-*
10 *ferred to in subsection (a) are—*

11 “(1) *any of the offenders travels in, or uses the*
12 *mail or any facility of, interstate or foreign commerce*
13 *in furtherance of the offense or to escape apprehension*
14 *after the commission of the offense;*

15 “(2) *the offense obstructs, delays, or affects inter-*
16 *state or foreign commerce, or would have so ob-*
17 *structed, delayed, or affected interstate or foreign*
18 *commerce if the offense had been consummated;*

19 “(3) *the victim, or intended victim, is the United*
20 *States Government, a member of the uniformed serv-*
21 *ices, or any official, officer, employee, or agent of the*
22 *legislative, executive, or judicial branches, or of any*
23 *department or agency, of the United States;*

24 “(4) *the structure, conveyance, or other real or*
25 *personal property is, in whole or in part, owned, pos-*

1 *essed, used by, or leased to the United States, or any*
2 *department or agency thereof;*

3 *“(5) the offense is committed in the territorial*
4 *sea (including the airspace above and the seabed and*
5 *subsoil below, and artificial islands and fixed struc-*
6 *tures erected thereon) of the United States; or*

7 *“(6) the offense is committed in those places*
8 *within the United States that are in the special mari-*
9 *time and territorial jurisdiction of the United States.*

10 *Jurisdiction shall exist over all principals and co-conspira-*
11 *tors of an offense under this section, and accessories after*
12 *the fact to any offense under this section, if at least one*
13 *of such circumstances is applicable to at least one offender.*

14 *“(c) PENALTIES.—*

15 *“(1) Whoever violates this section shall be pun-*
16 *ished—*

17 *“(A) for a killing or if death results to any*
18 *person from any other conduct prohibited by this*
19 *section by death, or by imprisonment for any*
20 *term of years or for life;*

21 *“(B) for kidnapping, by imprisonment for*
22 *any term of years or for life;*

23 *“(C) for maiming, by imprisonment for not*
24 *more than 35 years;*

1 “(D) for assault with a dangerous weapon
2 or assault resulting in serious bodily injury, by
3 imprisonment for not more than 30 years;

4 “(E) for destroying or damaging any struc-
5 ture, conveyance, or other real or personal prop-
6 erty, by imprisonment for not more than 25
7 years;

8 “(F) for attempting or conspiring to com-
9 mit an offense, for any term of years up to the
10 maximum punishment that would have applied
11 had the offense been completed; and

12 “(G) for threatening to commit an offense
13 under this section, by imprisonment for not more
14 than 10 years.

15 “(2) Notwithstanding any other provision of law,
16 the court shall not place on probation any person con-
17 victed of a violation of this section; nor shall the term
18 of imprisonment imposed under this section run con-
19 currently with any other term of imprisonment.

20 “(d) *LIMITATION ON PROSECUTION.*—No indictment
21 shall be sought nor any information filed for any offense
22 described in this section until the Attorney General, or the
23 highest ranking subordinate of the Attorney General with
24 responsibility for criminal prosecutions, makes a written
25 certification that, in the judgment of the certifying official,

1 *such offense, or any activity preparatory to or meant to*
2 *conceal its commission, is terrorism, as defined in section*
3 *2331 of this title.*

4 “(e) *PROOF REQUIREMENTS.*—

5 “(1) *The prosecution is not required to prove*
6 *knowledge by any defendant of a jurisdictional base*
7 *alleged in the indictment.*

8 “(2) *In a prosecution under this section that is*
9 *based upon the adoption of State law, only the ele-*
10 *ments of the offense under State law, and not any*
11 *provisions pertaining to criminal procedure or evi-*
12 *dence, are adopted.*

13 “(f) *EXTRATERRITORIAL JURISDICTION.*—*There is*
14 *extraterritorial Federal jurisdiction—*

15 “(1) *over any offense under subsection (a), in-*
16 *cluding any threat, attempt, or conspiracy to commit*
17 *such offense; and*

18 “(2) *over conduct which, under section 3 of this*
19 *title, renders any person an accessory after the fact*
20 *to an offense under subsection (a).*

21 “(g) *DEFINITIONS.*—*As used in this section—*

22 “(1) *the term ‘conduct transcending national*
23 *boundaries’ means conduct occurring outside the*
24 *United States in addition to the conduct occurring in*
25 *the United States;*

1 “(2) the term ‘facility of interstate or foreign
2 commerce’ has the meaning given that term in section
3 1958(b)(2) of this title;

4 “(3) the term ‘serious bodily injury’ has the
5 meaning prescribed in section 1365(g)(3) of this title;
6 and

7 “(4) the term ‘territorial sea of the United
8 States’ means all waters extending seaward to 12
9 nautical miles from the baselines of the United States
10 determined in accordance with international law.”.

11 (b) CLERICAL AMENDMENT.—The table of sections at
12 the beginning of the chapter 113B of title 18, United States
13 Code, that relates to terrorism is amended by inserting after
14 the item relating to section 2332a the following new item:

 “2332b. Acts of terrorism transcending national boundaries.”.

15 (c) STATUTE OF LIMITATIONS AMENDMENT.—Section
16 3286 of title 18, United States Code, is amended by—

17 (1) striking “any offense” and inserting “any
18 non-capital offense”;

19 (2) striking “36” and inserting “37”;

20 (3) striking “2331” and inserting “2332”;

21 (4) striking “2339” and inserting “2332a”; and

22 (5) inserting “2332b (acts of terrorism tran-
23 scending national boundaries),” after “(use of weap-
24 ons of mass destruction),”.

1 (d) *PRESUMPTIVE DETENTION*.—Section 3142(e) of
 2 title 18, United States Code, is amended by inserting “,
 3 956(a), or 2332b” after “section 924(c)”.

4 **SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY**
 5 **OVERSEAS.**

6 (a) *IN GENERAL*.—Section 956 of chapter 45 of title
 7 18, United States Code, is amended to read as follows:

8 **“§956. Conspiracy to kill, kidnap, maim, or injure**
 9 **persons or damage property in a foreign**
 10 **country**

11 “(a)(1) Whoever, within the jurisdiction of the United
 12 States, conspires with one or more other persons, regardless
 13 of where such other person or persons are located, to commit
 14 at any place outside the United States an act that would
 15 constitute the offense of murder, kidnapping, or maiming
 16 if committed in the special maritime and territorial juris-
 17 diction of the United States shall, if any of the conspirators
 18 commits an act within the jurisdiction of the United States
 19 to effect any object of the conspiracy, be punished as pro-
 20 vided in subsection (a)(2).

21 “(2) The punishment for an offense under subsection
 22 (a)(1) of this section is—

23 “(A) imprisonment for any term of years or for
 24 life if the offense is conspiracy to murder or kidnap;
 25 and

1 “(B) imprisonment for not more than 35 years
2 if the offense is conspiracy to maim.

3 “(b) Whoever, within the jurisdiction of the United
4 States, conspires with one or more persons, regardless of
5 where such other person or persons are located, to damage
6 or destroy specific property situated within a foreign coun-
7 try and belonging to a foreign government or to any politi-
8 cal subdivision thereof with which the United States is at
9 peace, or any railroad, canal, bridge, airport, airfield, or
10 other public utility, public conveyance, or public structure,
11 or any religious, educational, or cultural property so situ-
12 ated, shall, if any of the conspirators commits an act within
13 the jurisdiction of the United States to effect any object of
14 the conspiracy, be imprisoned not more than 25 years.”.

15 (b) *CLERICAL AMENDMENT.*—The item relating to sec-
16 tion 956 in the table of sections at the beginning of chapter
17 45 of title 18, United States Code, is amended to read as
18 follows:

“956. Conspiracy to kill, kidnap, maim, or injure persons or damage property
in a foreign country.”.

19 **SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL**
20 **JURISDICTION OVER CERTAIN TERRORISM**
21 **OFFENSES OVERSEAS.**

22 (a) *AIRCRAFT PIRACY.*—Section 46502(b) of title 49,
23 United States Code, is amended—

1 (1) in paragraph (1), by striking “and later
2 *found in the United States*”;

3 (2) so that paragraph (2) reads as follows:

4 “(2) *There is jurisdiction over the offense in paragraph*
5 *(1) if—*

6 “(A) *a national of the United States was aboard*
7 *the aircraft;*

8 “(B) *an offender is a national of the United*
9 *States; or*

10 “(C) *an offender is afterwards found in the*
11 *United States.*”; and

12 (3) by inserting after paragraph (2) the follow-
13 *ing:*

14 “(3) *For purposes of this subsection, the term ‘national*
15 *of the United States’ has the meaning prescribed in section*
16 *101(a)(22) of the Immigration and Nationality Act (8*
17 *U.S.C. 1101(a)(22)).*”.

18 (b) *DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILI-*
19 *TIES.—Section 32(b) of title 18, United States Code, is*
20 *amended—*

21 (1) by striking “, *if the offender is later found*
22 *in the United States,*”; and

23 (2) by inserting at the end the following: “*There*
24 *is jurisdiction over an offense under this subsection if*
25 *a national of the United States was on board, or*

1 *would have been on board, the aircraft; an offender is*
 2 *a national of the United States; or an offender is*
 3 *afterwards found in the United States. For purposes*
 4 *of this subsection, the term ‘national of the United*
 5 *States’ has the meaning prescribed in section*
 6 *101(a)(22) of the Immigration and Nationality Act.”.*

7 *(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN*
 8 *OTHER PERSONS.—Section 1116 of title 18, United States*
 9 *Code, is amended—*

10 *(1) in subsection (b), by adding at the end the*
 11 *following:*

12 *“(7) ‘National of the United States’ has the*
 13 *meaning prescribed in section 101(a)(22) of the Im-*
 14 *migration and Nationality Act (8 U.S.C.*
 15 *1101(a)(22)).”; and*

16 *(2) in subsection (c), by striking the first sen-*
 17 *tence and inserting the following: “If the victim of an*
 18 *offense under subsection (a) is an internationally pro-*
 19 *tected person outside the United States, the United*
 20 *States may exercise jurisdiction over the offense if (1)*
 21 *the victim is a representative, officer, employee, or*
 22 *agent of the United States, (2) an offender is a na-*
 23 *tional of the United States, or (3) an offender is after-*
 24 *wards found in the United States.”.*

1 (d) *PROTECTION OF FOREIGN OFFICIALS AND CER-*
 2 *TAIN OTHER PERSONS.*—Section 112 of title 18, United
 3 *States Code, is amended—*

4 (1) *in subsection (c), by inserting “‘national of*
 5 *the United States’,” before “and”; and*

6 (2) *in subsection (e), by striking the first sen-*
 7 *tence and inserting the following: “If the victim of an*
 8 *offense under subsection (a) is an internationally pro-*
 9 *ected person outside the United States, the United*
 10 *States may exercise jurisdiction over the offense if (1)*
 11 *the victim is a representative, officer, employee, or*
 12 *agent of the United States, (2) an offender is a na-*
 13 *tional of the United States, or (3) an offender is after-*
 14 *wards found in the United States.”.*

15 (e) *THREATS AND EXTORTION AGAINST FOREIGN OF-*
 16 *FICIALS AND CERTAIN OTHER PERSONS.*—Section 878 of
 17 *title 18, United States Code, is amended—*

18 (1) *in subsection (c), by inserting “‘national of*
 19 *the United States’,” before “and”; and*

20 (2) *in subsection (d), by striking the first sen-*
 21 *tence and inserting the following: “If the victim of an*
 22 *offense under subsection (a) is an internationally pro-*
 23 *ected person outside the United States, the United*
 24 *States may exercise jurisdiction over the offense if (1)*
 25 *the victim is a representative, officer, employee, or*

1 *agent of the United States, (2) an offender is a na-*
 2 *tional of the United States, or (3) an offender is after-*
 3 *wards found in the United States.”.*

4 (f) *KIDNAPPING OF INTERNATIONALLY PROTECTED*
 5 *PERSONS.*—Section 1201(e) of title 18, United States Code,
 6 *is amended—*

7 (1) *by striking the first sentence and inserting*
 8 *the following: “If the victim of an offense under sub-*
 9 *section (a) is an internationally protected person out-*
 10 *side the United States, the United States may exercise*
 11 *jurisdiction over the offense if (1) the victim is a rep-*
 12 *resentative, officer, employee, or agent of the United*
 13 *States, (2) an offender is a national of the United*
 14 *States, or (3) an offender is afterwards found in the*
 15 *United States.”; and*

16 (2) *by adding at the end the following: “For pur-*
 17 *poses of this subsection, the term ‘national of the*
 18 *United States’ has the meaning prescribed in section*
 19 *101(a)(22) of the Immigration and Nationality Act*
 20 *(8 U.S.C. 1101(a)(22)).”.*

21 (g) *VIOLENCE AT INTERNATIONAL AIRPORTS.*—Section
 22 *37(b)(2) of title 18, United States Code, is amended—*

23 (1) *by inserting “(A)” before “the offender is*
 24 *later found in the United States”; and*

1 (2) by inserting “; or (B) an offender or a victim
 2 is a national of the United States (as defined in sec-
 3 tion 101(a)(22) of the Immigration and Nationality
 4 Act (8 U.S.C. 1101(a)(22)))” after “the offender is
 5 later found in the United States”.

6 (h) *BIOLOGICAL WEAPONS*.—Section 178 of title 18,
 7 United States Code, is amended—

8 (1) by striking “and” at the end of paragraph
 9 (3);

10 (2) by striking the “period” at the end of para-
 11 graph (4) and inserting “; and”; and

12 (3) by adding the following at the end:

13 “(5) the term ‘national of the United States’ has
 14 the meaning prescribed in section 101(a)(22) of the
 15 Immigration and Nationality Act (8 U.S.C.
 16 1101(a)(22)).”.

17 **SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF**
 18 **MASS DESTRUCTION STATUTE.**

19 Section 2332a of title 18, United States Code, is
 20 amended—

21 (1) in subsection (a)—

22 (A) by inserting “AGAINST A NATIONAL OR
 23 WITHIN THE UNITED STATES” after “OF-
 24 FENSE”;

1 (B) by inserting “, without lawful author-
2 ity” after “A person who”;

3 (C) by inserting “threatens,” before “at-
4 tempts or conspires to use, a weapon of mass de-
5 struction”; and

6 (D) by inserting “and the results of such
7 use affect interstate or foreign commerce or, in
8 the case of a threat, attempt, or conspiracy,
9 would have affected interstate or foreign com-
10 merce” before the semicolon at the end of para-
11 graph (2);

12 (2) in subsection (b), so that subparagraph (B)
13 of paragraph (2) reads as follows:

14 “(B) any weapon that is designed to cause
15 death or serious bodily injury through the re-
16 lease, dissemination, or impact of toxic or poi-
17 sonous chemicals, or their precursors;”;

18 (3) by redesignating subsection (b) as subsection
19 (c); and

20 (4) by inserting after subsection (a) the following
21 new subsection:

22 “(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED
23 STATES.—Any national of the United States who, without
24 lawful authority and outside the United States, uses, or
25 threatens, attempts, or conspires to use, a weapon of mass

1 *destruction shall be imprisoned for any term of years or*
 2 *for life, and if death results, shall be punished by death,*
 3 *or by imprisonment for any term of years or for life.”.*

4 ***SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUN-***
 5 ***DERING STATUTE.***

6 (a) *MURDER AND DESTRUCTION OF PROPERTY.*—Sec-
 7 *tion 1956(c)(7)(B)(ii) of title 18, United States Code, is*
 8 *amended by striking “or extortion;” and inserting “extor-*
 9 *tion, murder, or destruction of property by means of explo-*
 10 *sive or fire;”.*

11 (b) *SPECIFIC OFFENSES.*—Section 1956(c)(7)(D) of
 12 *title 18, United States Code, is amended—*

13 (1) *by inserting after “an offense under” the fol-*
 14 *lowing: “section 32 (relating to the destruction of air-*
 15 *craft), section 37 (relating to violence at international*
 16 *airports), section 115 (relating to influencing, imped-*
 17 *ing, or retaliating against a Federal official by*
 18 *threatening or injuring a family member),”;*

19 (2) *by inserting after “section 215 (relating to*
 20 *commissions or gifts for procuring loans),” the follow-*
 21 *ing: “section 351 (relating to Congressional or Cabi-*
 22 *net officer assassination),”;*

23 (3) *by inserting after “section 793, 794, or 798*
 24 *(relating to espionage),” the following: “section 831*
 25 *(relating to prohibited transactions involving nuclear*

1 *materials), section 844 (f) or (i) (relating to destruc-*
2 *tion by explosives or fire of Government property or*
3 *property affecting interstate or foreign commerce),”;*

4 (4) by inserting after “section 875 (relating to
5 *interstate communications),” the following: “section*
6 *956 (relating to conspiracy to kill, kidnap, maim, or*
7 *injure certain property in a foreign country),”;*

8 (5) by inserting after “1032 (relating to conceal-
9 *ment of assets from conservator, receiver, or liquidat-*
10 *ing agent of financial institution),” the following:*
11 *“section 1111 (relating to murder), section 1114 (re-*
12 *lating to protection of officers and employees of the*
13 *United States), section 1116 (relating to murder of*
14 *foreign officials, official guests, or internationally*
15 *protected persons),”;*

16 (6) by inserting after “section 1203 (relating to
17 *hostage taking),” the following: “section 1361 (relat-*
18 *ing to willful injury of Government property), section*
19 *1363 (relating to destruction of property within the*
20 *special maritime and territorial jurisdiction),”;*

21 (7) by inserting after “section 1708 (theft from
22 *the mail),” the following: “section 1751 (relating to*
23 *Presidential assassination),”;*

24 (8) by inserting after “2114 (relating to bank
25 *and postal robbery and theft),” the following: “section*

1 2280 (relating to violence against maritime naviga-
 2 tion), section 2281 (relating to violence against mari-
 3 time fixed platforms),”; and

4 (9) by striking “of this title” and inserting the
 5 following: “section 2332 (relating to terrorist acts
 6 abroad against United States nationals), section
 7 2332a (relating to use of weapons of mass destruc-
 8 tion), section 2332b (relating to international terror-
 9 ist acts transcending national boundaries), section
 10 2339A (relating to providing material support to ter-
 11 rorists) of this title, section 46502 of title 49, United
 12 States Code”.

13 **SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER**
 14 **BOMB THREATS.**

15 Section 844(e) of title 18, United States Code, is
 16 amended by striking “commerce,” and inserting “interstate
 17 or foreign commerce, or in or affecting interstate or foreign
 18 commerce,”.

19 **SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURIS-**
 20 **DICTION.**

21 Section 2280(b)(1)(A) of title 18, United States Code,
 22 is amended—

23 (1) in clause (ii), by striking “and the activity
 24 is not prohibited as a crime by the State in which the
 25 activity takes place”; and

1 (2) in clause (iii), by striking “the activity takes
2 place on a ship flying the flag of a foreign country
3 or outside the United States,”.

4 **SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIB-**
5 **ITED.**

6 Section 842(h) of title 18, United States Code, is
7 amended to read as follows:

8 “(h) It shall be unlawful for any person to receive, pos-
9 sess, transport, ship, conceal, store, barter, sell, dispose of,
10 or pledge or accept as security for a loan, any stolen explo-
11 sive materials which are moving as, which are part of,
12 which constitute, or which have been shipped or transported
13 in, interstate or foreign commerce, either before or after such
14 materials were stolen, knowing or having reasonable cause
15 to believe that the explosive materials were stolen.”.

16 **SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETER-**
17 **MINING WHAT AMMUNITION IS CAPABLE OF**
18 **PENETRATING POLICE BODY ARMOR.**

19 The National Institute of Justice is directed to perform
20 a study of, and to recommend to Congress, a methodology
21 for determining what ammunition, designed for handguns,
22 is capable of penetrating police body armor. Not later than
23 6 months after the date of the enactment of this Act, the
24 National Institute of Justice shall report to Congress the
25 results of such study and such recommendations.

***TITLE II—INCREASED
PENALTIES***

***SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES
OFFENSES.***

*(a) INCREASED PENALTIES FOR DAMAGING CERTAIN
PROPERTY.—Section 844(f) of title 18, United States Code,
is amended to read as follows:*

*“(f) Whoever damages or destroys, or attempts to dam-
age or destroy, by means of fire or an explosive, any per-
sonal or real property in whole or in part owned, possessed,
or used by, or leased to, the United States, or any depart-
ment or agency thereof, or any institution or organization
receiving Federal financial assistance shall be fined under
this title or imprisoned for not more than 25 years, or both,
but—*

*“(1) if personal injury results to any person
other than the offender, the term of imprisonment
shall be not more than 40 years;*

*“(2) if fire or an explosive is used and its use
creates a substantial risk of serious bodily injury to
any person other than the offender, the term of im-
prisonment shall not be less than 20 years; and*

*“(3) if death results to any person other than the
offender, the offender shall be subject to the death pen-*

1 *alty or imprisonment for any term of years not less*
 2 *than 30, or for life.”.*

3 *(b) CONFORMING AMENDMENT.—Section 81 of title 18,*
 4 *United States Code, is amended by striking “fined under*
 5 *this title or imprisoned not more than five years, or both”*
 6 *and inserting “imprisoned not more than 25 years or fined*
 7 *the greater of the fine under this title or the cost of repairing*
 8 *or replacing any property that is damaged or destroyed,*
 9 *or both”.*

10 *(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—*

11 *(1) Chapter 213 of title 18, United States Code,*
 12 *is amended by adding at the end the following:*

13 ***“§ 3295. Arson offenses***

14 *“No person shall be prosecuted, tried, or punished for*
 15 *any non-capital offense under section 81 or subsection (f),*
 16 *(h), or (i) of section 844 of this title unless the indictment*
 17 *is found or the information is instituted within 7 years*
 18 *after the date on which the offense was committed.”.*

19 *(2) The table of sections at the beginning of*
 20 *chapter 213 of title 18, United States Code, is amend-*
 21 *ed by adding at the end the following new item:*

“3295. Arson offenses.”.

22 *(3) Section 844(i) of title 18, United States*
 23 *Code, is amended by striking the last sentence.*

1 **SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIR-**
 2 **ACIES.**

3 *Section 844 of title 18, United States Code, is amended*
 4 *by adding at the end the following:*

5 *“(n) Except as otherwise provided in this section, a*
 6 *person who conspires to commit any offense defined in this*
 7 *chapter shall be subject to the same penalties (other than*
 8 *the penalty of death) as those prescribed for the offense the*
 9 *commission of which was the object of the conspiracy.”.*

10 **SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PEN-**
 11 **ALTIES FOR TERRORISM OFFENSES.**

12 *(a) TITLE 18 OFFENSES.—*

13 *(1) Sections 32(a)(7), 32(b)(4), 37(a),*
 14 *115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and*
 15 *2281(a)(1)(F) of title 18, United States Code, are*
 16 *each amended by inserting “or conspires” after “at-*
 17 *tempts”.*

18 *(2) Section 115(b)(2) of title 18, United States*
 19 *Code, is amended by striking “or attempted kidnap-*
 20 *ping” both places it appears and inserting “, at-*
 21 *tempted kidnapping, or conspiracy to kidnap”.*

22 *(3)(A) Section 115(b)(3) of title 18, United*
 23 *States Code, is amended by striking “or attempted*
 24 *murder” and inserting “, attempted murder, or con-*
 25 *spiracy to murder”.*

1 (B) Section 115(b)(3) of title 18, United States
2 Code, is amended by striking “and 1113” and insert-
3 ing “, 1113, and 1117”.

4 (4) Section 175(a) of title 18, United States
5 Code, is amended by inserting “or conspires to do so,”
6 after “any organization to do so,”.

7 (b) AIRCRAFT PIRACY.—

8 (1) Section 46502(a)(2) of title 49, United States
9 Code, is amended by inserting “or conspiring” after
10 “attempting”.

11 (2) Section 46502(b)(1) of title 49, United States
12 Code, is amended by inserting “or conspiring to com-
13 mit” after “committing”.

14 **SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A**
15 **FIREARM KNOWING THAT IT WILL BE USED**
16 **TO COMMIT A CRIME OF VIOLENCE.**

17 Section 924(h) of title 18, United States Code, is
18 amended—

19 (1) by inserting “or having reasonable cause to
20 believe” after “knowing”; and

21 (2) by striking “imprisoned not more than 10
22 years, fined in accordance with this title, or both.”
23 and inserting “subject to the same penalties as may
24 be imposed under subsection (c) for a first conviction
25 for the use or carrying of the firearm.”.

1 **SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN**
2 **EXPLOSIVE MATERIAL KNOWING THAT IT**
3 **WILL BE USED TO COMMIT A CRIME OF VIO-**
4 **LENCE.**

5 *Section 844 of title 18, United States Code, is amended*
6 *by adding at the end the following:*

7 *“(o) Whoever knowingly transfers any explosive mate-*
8 *rials, knowing or having reasonable cause to believe that*
9 *such explosive materials will be used to commit a crime*
10 *of violence (as defined in section 924(c)(3) of this title) or*
11 *drug trafficking crime (as defined in section 924(c)(2) of*
12 *this title) shall be subject to the same penalties as may be*
13 *imposed under subsection (h) for a first conviction for the*
14 *use or carrying of the explosive materials.”.*

15 **SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.**

16 *The United States Sentencing Commission shall forth-*
17 *with, in accordance with the procedures set forth in section*
18 *21(a) of the Sentencing Act of 1987, as though the authority*
19 *under that section had not expired, amend the sentencing*
20 *guidelines so that the chapter 3 adjustment relating to*
21 *international terrorism also applies to domestic terrorism.*

1 ***TITLE III—INVESTIGATIVE***
2 ***TOOLS***

3 ***SEC. 301. INTERCEPTIONS OF COMMUNICATIONS.***

4 (a) *AUTHORIZATION OF INTERCEPTIONS IN CERTAIN*
5 *TERRORISM RELATED OFFENSES.*—*Section 2516(1) of title*
6 *18, United States Code, is amended—*

7 (1) *by striking “and” at the end of subpara-*
8 *graph (n);*

9 (2) *by redesignating subparagraph (o) as sub-*
10 *paragraph (q); and*

11 (3) *by inserting after paragraph (n) the follow-*
12 *ing:*

13 “(o) *any violation of section 956 or section 960*
14 *(relating to certain actions against foreign nations),*
15 *section 1114 (relating to protection of officers and em-*
16 *ployees of the United States), section 1116 (relating*
17 *to murder of foreign officials, official guests, or inter-*
18 *nationally protected persons), section 2332 (relating*
19 *to terrorist acts abroad), section 2332a (relating to*
20 *weapons of mass destruction), section 2332b (relating*
21 *to acts of terrorism transcending national bound-*
22 *aries), section 2339A (relating to providing material*
23 *support to terrorists), section 37 (relating to violence*
24 *at international airports) of title 18, United States*
25 *Code; or*

1 “(p) any felony violation of section 842 (relating
2 to explosives) of this title; and”.

3 (b) *REPORTS CONCERNING INTERCEPTED COMMUNICA-*
4 *TIONS.—Subsection (6) of section 2518 of title 18, United*
5 *States Code is amended to read as follows:*

6 “(6) Whenever an order authorizing interception is en-
7 tered under this chapter, the order shall require the attorney
8 for the Government to file a report with the judge who is-
9 sued the order showing what progress has been made toward
10 achievement of the authorized objective and the need for con-
11 tinued interception. Such report shall be made 15 days after
12 the interception has begun. No other reports shall be made
13 to the judge under this subsection.”.

14 **SEC. 302. PEN REGISTERS AND TRAP AND TRACE DEVICES**
15 **IN FOREIGN COUNTERINTELLIGENCE INVES-**
16 **TIGATIONS.**

17 (a) *APPLICATION.—Section 3122(b)(2) of title 18,*
18 *United States Code, is amended by inserting “or foreign*
19 *counterintelligence” after “criminal”.*

20 (b) *ORDER.—*

21 (1) *Section 3123(a) of title 18, United States*
22 *Code, is amended by inserting “or foreign counter-*
23 *intelligence” after “criminal”.*

1 (2) *Section 3123(b)(1) of title 18, United States*
 2 *Code, is amended in subparagraph (B), by striking*
 3 *“criminal”.*

4 ***SEC. 303. DISCLOSURE OF CERTAIN CONSUMER REPORTS***
 5 ***TO THE FEDERAL BUREAU OF INVESTIGA-***
 6 ***TION FOR FOREIGN COUNTERINTELLIGENCE***
 7 ***INVESTIGATIONS.***

8 (a) *IN GENERAL.—The Fair Credit Reporting Act (15*
 9 *U.S.C. 1681 et seq.) is amended by adding after section 623*
 10 *the following:*

11 ***“SEC. 624. DISCLOSURES TO THE FEDERAL BUREAU OF IN-***
 12 ***VESTIGATION FOR FOREIGN COUNTERINTEL-***
 13 ***LIGENCE PURPOSES.***

14 “(a) *IDENTITY OF FINANCIAL INSTITUTIONS.—(1) Not-*
 15 *withstanding section 604 or any other provision of this*
 16 *title, a court or magistrate judge may issue an order ex*
 17 *parte, upon application by the Director of the Federal Bu-*
 18 *reau of Investigation (or the Director’s designee, whose rank*
 19 *shall be no lower than Assistant Special Agent in Charge),*
 20 *directing a consumer reporting agency to furnish to the*
 21 *Federal Bureau of Investigation the names and addresses*
 22 *of all financial institutions (as that term is defined in sec-*
 23 *tion 1101 of the Right to Financial Privacy Act of 1978)*
 24 *at which a consumer maintains or has maintained an ac-*
 25 *count, to the extent that information is in the files of the*

1 agency. The court or magistrate judge shall issue the order
 2 if the court or magistrate judge finds, that—

3 “(A) such information is necessary for the con-
 4 duct of an authorized foreign counterintelligence in-
 5 vestigation; and

6 “(B) there are specific and articulable facts giv-
 7 ing reason to believe that the consumer—

8 “(i) is a foreign power (as defined in sec-
 9 tion 101 of the Foreign Intelligence Surveillance
 10 Act of 1978) or a person who is not a United
 11 States person (as defined in such section 101)
 12 and is an official of a foreign power; or

13 “(ii) is an agent of a foreign power and is
 14 engaging or has engaged in international terror-
 15 ism (as that term is defined in section 101(c) of
 16 the Foreign Intelligence Surveillance Act of
 17 1978) or clandestine intelligence activities that
 18 involve or may involve a violation of criminal
 19 statutes of the United States.

20 “(2) An order issued under this subsection shall not
 21 disclose that it is issued for purposes of a counterintelligence
 22 investigation.

23 “(b) IDENTIFYING INFORMATION.—(1) Notwithstand-
 24 ing section 604 or any other provision of this title, a court
 25 or magistrate judge shall issue an order *ex parte*, upon ap-

1 *plication by the Director of the Federal Bureau of Inves-*
 2 *tigation (or the Director's designee, whose rank shall be no*
 3 *lower than Assistant Special Agent in Charge), directing*
 4 *a consumer reporting agency to furnish identifying infor-*
 5 *mation respecting a consumer, limited to name, address,*
 6 *former addresses, places of employment, or former places*
 7 *of employment, to the Federal Bureau of Investigation. The*
 8 *court or magistrate judge shall issue the order if the court*
 9 *or magistrate judge finds, that—*

10 “(A) *such information is necessary to the con-*
 11 *duct of an authorized foreign counterintelligence in-*
 12 *vestigation; and*

13 “(B) *there is information giving reason to believe*
 14 *that the consumer has been, or is about to be, in con-*
 15 *tact with a foreign power or an agent of a foreign*
 16 *power (as defined in section 101 of the Foreign Intel-*
 17 *ligence Surveillance Act of 1978).*

18 “(2) *An order issued under this subsection shall not*
 19 *disclose that it is issued for purposes of a counterintelligence*
 20 *investigation.*

21 “(c) *COURT ORDER FOR DISCLOSURE OF CONSUMER*
 22 *REPORTS.—(1) Notwithstanding section 604 or any other*
 23 *provision of this title, if requested in writing by the Direc-*
 24 *tor of the Federal Bureau of Investigation (or the Director's*
 25 *designee, whose rank shall be no lower than Assistant Spe-*

1 cial Agent in Charge), a court may issue an order *ex parte*
2 directing a consumer reporting agency to furnish a
3 consumer report to the Federal Bureau of Investigation,
4 after the court or magistrate finds, in a proceeding in cam-
5 era, that—

6 “(A) the consumer report is necessary for the
7 conduct of an authorized foreign counterintelligence
8 investigation; and

9 “(B) there are specific and articulable facts giv-
10 ing reason to believe that the consumer whose
11 consumer report is sought—

12 “(i) is an agent of a foreign power; and

13 “(ii) is engaging or has engaged in inter-
14 national terrorism (as that term is defined in
15 section 101(c) of the Foreign Intelligence Surveil-
16 lance Act of 1978) or clandestine intelligence ac-
17 tivities that involve or may involve a violation
18 of criminal statutes of the United States.

19 “(2) An order issued under this subsection shall not
20 disclose that it is issued for purposes of a counterintelligence
21 investigation.

22 “(d) CONFIDENTIALITY.—(1) No consumer reporting
23 agency or officer, employee, or agent of a consumer report-
24 ing agency shall disclose to any person, other than officers,
25 employees, or agents of a consumer reporting agency nec-

1 *essary to fulfill the requirement to disclose information to*
2 *the Federal Bureau of Investigation under this section, that*
3 *the Federal Bureau of Investigation has sought or obtained*
4 *the identity of financial institutions or a consumer report*
5 *respecting any consumer under subsection (a), (b), or (c).*

6 “(2) *No consumer reporting agency or officer, em-*
7 *ployee, or agent of a consumer reporting agency shall in-*
8 *clude in any consumer report any information that would*
9 *indicate that the Federal Bureau of Investigation has*
10 *sought or obtained such information or a consumer report.*

11 “(e) *PAYMENT OF FEES.—The Federal Bureau of In-*
12 *vestigation is authorized, subject to the availability of ap-*
13 *propriations, pay to the consumer reporting agency assem-*
14 *bling or providing reports or information in accordance*
15 *with procedures established under this section, a fee for re-*
16 *imbursement for such costs as are reasonably necessary and*
17 *which have been directly incurred in searching, reproduc-*
18 *ing, or transporting books, papers, records, or other data*
19 *required or requested to be produced under this section.*

20 “(f) *LIMIT ON DISSEMINATION.—The Federal Bureau*
21 *of Investigation may not disseminate information obtained*
22 *pursuant to this section outside of the Federal Bureau of*
23 *Investigation, except—*

24 “(1) *to the Department of Justice or any other*
25 *law enforcement agency, as may be necessary for the*

1 *approval or conduct of a foreign counterintelligence*
2 *investigation; or*

3 “(2) *where the information concerns a person*
4 *subject to the Uniform Code of Military Justice, to*
5 *appropriate investigative authorities within the mili-*
6 *tary department concerned as may be necessary for*
7 *the conduct of a joint foreign counterintelligence in-*
8 *vestigation.*

9 “(g) *RULES OF CONSTRUCTION.—Nothing in this sec-*
10 *tion shall be construed to prohibit information from being*
11 *furnished by the Federal Bureau of Investigation pursuant*
12 *to a subpoena or court order, or in connection with a judi-*
13 *cial or administrative proceeding to enforce the provisions*
14 *of this Act. Nothing in this section shall be construed to*
15 *authorize or permit the withholding of information from*
16 *the Congress.*

17 “(h) *REPORTS TO CONGRESS.—On an annual basis,*
18 *the Attorney General shall fully inform the Permanent Se-*
19 *lect Committee on Intelligence and the Committee on Bank-*
20 *ing and Financial Services of the House of Representatives,*
21 *and the Select Committee on Intelligence and the Committee*
22 *on Banking, Housing, and Urban Affairs of the Senate con-*
23 *cerning all requests made pursuant to subsections (a), (b),*
24 *and (c).*

1 “(i) *DAMAGES.*—Any agency or department of the
2 *United States obtaining or disclosing any consumer reports,*
3 *records, or information contained therein in violation of*
4 *this section is liable to any person harmed by the violation*
5 *in an amount equal to the sum of—*

6 “(1) *\$100, without regard to the volume of*
7 *consumer reports, records, or information involved;*

8 “(2) *any actual damages sustained by the person*
9 *harmed as a result of the disclosure;*

10 “(3) *if the violation is found to have been willful*
11 *or intentional, such punitive damages as a court may*
12 *allow; and*

13 “(4) *in the case of any successful action to en-*
14 *force liability under this subsection, the costs of the*
15 *action, together with reasonable attorney fees, as de-*
16 *termined by the court.*

17 “(j) *DISCIPLINARY ACTIONS FOR VIOLATIONS.*—If a
18 *court determines that any agency or department of the*
19 *United States has violated any provision of this section and*
20 *the court finds that the circumstances surrounding the vio-*
21 *lation raise questions of whether or not an officer or em-*
22 *ployee of the agency or department acted willfully or inten-*
23 *tionally with respect to the violation, the agency or depart-*
24 *ment shall promptly initiate a proceeding to determine*

1 *whether or not disciplinary action is warranted against the*
 2 *officer or employee who was responsible for the violation.*

3 “(k) *GOOD-FAITH EXCEPTION.*—*Notwithstanding any*
 4 *other provision of this title, any consumer reporting agency*
 5 *or agent or employee thereof making disclosure of consumer*
 6 *reports or identifying information pursuant to this sub-*
 7 *section in good-faith reliance upon a certification of the*
 8 *Federal Bureau of Investigation pursuant to provisions of*
 9 *this section shall not be liable to any person for such disclo-*
 10 *sure under this title, the constitution of any State, or any*
 11 *law or regulation of any State or any political subdivision*
 12 *of any State notwithstanding.*

13 “(l) *INJUNCTIVE RELIEF.*—*In addition to any other*
 14 *remedy contained in this section, injunctive relief shall be*
 15 *available to require compliance with the procedures of this*
 16 *section. In the event of any successful action under this sub-*
 17 *section, costs together with reasonable attorney fees, as de-*
 18 *termined by the court, may be recovered.”.*

19 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
 20 *the beginning of the Fair Credit Reporting Act (15 U.S.C.*
 21 *1681a et seq.) is amended by adding after the item relating*
 22 *to section 623 the following new item:*

“624. Disclosures to the Federal Bureau of Investigation for foreign counterintel-
ligence purposes.”.

1 **SEC. 304. ACCESS TO RECORDS OF COMMON CARRIERS,**
 2 **PUBLIC ACCOMMODATION FACILITIES, PHYS-**
 3 **ICAL STORAGE FACILITIES, AND VEHICLE**
 4 **RENTAL FACILITIES IN FOREIGN COUNTER-**
 5 **INTELLIGENCE AND COUNTERTERRORISM**
 6 **CASES.**

7 (a) *IN GENERAL.*—Title 18, United States Code, is
 8 amended by inserting after chapter 121 the following:

9 **“CHAPTER 122—ACCESS TO CERTAIN**
 10 **RECORDS**

“Sec.

“2720. Access to records of common carriers, public accommodation facilities,
 physical storage facilities, and vehicle rental facilities in coun-
 terintelligence and counterterrorism cases.

11 **“§ 2720. Access to records of common carriers, public**
 12 **accommodation facilities, physical stor-**
 13 **age facilities, and vehicle rental facilities**
 14 **in counterintelligence and counter-**
 15 **terrorism cases**

16 “(a)(1) *A court or magistrate judge may issue an order*
 17 *ex parte, upon application by the Director of the Federal*
 18 *Bureau of Investigation (or the Director’s designee, whose*
 19 *rank shall be no lower than Assistant Special Agent in*
 20 *Charge), directing any common carrier, public accommoda-*
 21 *tion facility, physical storage facility, or vehicle rental fa-*
 22 *cility to furnish any records in its possession to the Federal*

1 *Bureau of Investigation. The court or magistrate judge shall*
2 *issue the order if the court or magistrate judge finds that—*

3 “(A) such records are necessary for
4 counterterrorism or foreign counterintelligence pur-
5 poses; and

6 “(B) there are specific and articulable facts giv-
7 ing reason to believe that the person to whom the
8 records pertain is—

9 “(i) a foreign power; or

10 “(ii) an agent of a foreign power and is en-
11 gaging or has engaged in international terrorism
12 (as that term is defined in section 101(c) of the
13 Foreign Intelligence Surveillance Act of 1978) or
14 clandestine intelligence activities that involve or
15 may involve a violation of criminal statutes of
16 the United States.

17 “(2) An order issued under this subsection shall not
18 disclose that it is issued for purposes of a counterintelligence
19 investigation.

20 “(b) No common carrier, public accommodation facil-
21 ity, physical storage facility, or vehicle rental facility, or
22 any officer, employee, or agent of such common carrier,
23 public accommodation facility, physical storage facility, or
24 vehicle rental facility, shall disclose to any person, other
25 than those officers, agents, or employees of the common car-

1 rier, public accommodation facility, physical storage facil-
2 ity, or vehicle rental facility necessary to fulfill the require-
3 ment to disclose the information to the Federal Bureau of
4 Investigation under this section.

5 “(c)(1) The Federal Bureau of Investigation may not
6 disseminate information obtained pursuant to this section
7 outside the Federal Bureau of Investigation, except—

8 “(A) to the Department of Justice or any other
9 law enforcement agency, as may be necessary for the
10 approval or conduct of a foreign counterintelligence
11 investigation; or

12 “(B) where the information concerns a person
13 subject to the Uniform Code of Military Justice, to
14 appropriate investigative authorities within the mili-
15 tary department concerned as may be necessary for
16 the conduct of a joint foreign counterintelligence in-
17 vestigation.

18 “(2) Any agency or department of the United States
19 obtaining or disclosing any information in violation of this
20 paragraph shall be liable to any person harmed by the vio-
21 lation in an amount equal to the sum of—

22 “(A) \$100 without regard to the volume of infor-
23 mation involved;

24 “(B) any actual damages sustained by the per-
25 son harmed as a result of the violation;

1 “(C) if the violation is willful or intentional,
2 such punitive damages as a court may allow; and

3 “(D) in the case of any successful action to en-
4 force liability under this paragraph, the costs of the
5 action, together with reasonable attorney fees, as de-
6 termined by the court.

7 “(d) If a court determines that any agency or depart-
8 ment of the United States has violated any provision of this
9 section and the court finds that the circumstances surround-
10 ing the violation raise questions of whether or not an officer
11 or employee of the agency or department acted willfully or
12 intentionally with respect to the violation, the agency or
13 department shall promptly initiate a proceeding to deter-
14 mine whether or not disciplinary action is warranted
15 against the officer or employee who was responsible for the
16 violation.

17 “(e) As used in this section—

18 “(1) the term ‘common carrier’ means a loco-
19 motive, rail carrier, bus carrying passengers, water
20 common carrier, air common carrier, or private com-
21 mercial interstate carrier for the delivery of packages
22 and other objects;

23 “(2) the term ‘public accommodation facility’
24 means any inn, hotel, motel, or other establishment
25 that provides lodging to transient guests;

1 “(3) the term ‘physical storage facility’ means
 2 any business or entity that provides space for the
 3 storage of goods or materials, or services related to the
 4 storage of goods or materials, to the public or any seg-
 5 ment thereof; and

6 “(4) the term ‘vehicle rental facility’ means any
 7 person or entity that provides vehicles for rent, lease,
 8 loan, or other similar use, to the public or any seg-
 9 ment thereof.”.

10 (b) *CLERICAL AMENDMENT.*—The table of chapters at
 11 the beginning of part I of title 18, United States Code, is
 12 amended by inserting after the item relating to chapter 121
 13 the following new item:

“122. Access to certain records 2720”.

14 **SEC. 305. STUDY OF TAGGING EXPLOSIVE MATERIALS, DE-**
 15 **TECTION OF EXPLOSIVES AND EXPLOSIVE**
 16 **MATERIALS, RENDERING EXPLOSIVE COMPO-**
 17 **NENTS INERT, AND IMPOSING CONTROLS OF**
 18 **PRECURSORS OF EXPLOSIVES.**

19 (a) *STUDY.*—The Attorney General, in consultation
 20 with other Federal, State and local officials with expertise
 21 in this area and such other individuals as the Attorney
 22 General deems appropriate, shall conduct a study concern-
 23 ing—

24 (1) the tagging of explosive materials for pur-
 25 poses of detection and identification;

1 (2) *technology for devices to improve the detec-*
2 *tion of explosives materials;*

3 (3) *whether common chemicals used to manufac-*
4 *ture explosive materials can be rendered inert and*
5 *whether it is feasible to require it; and*

6 (4) *whether controls can be imposed on certain*
7 *precursor chemicals used to manufacture explosive*
8 *materials and whether it is feasible to require it.*

9 (b) *REPORT.*—*Not later than 180 days after the date*
10 *of the enactment of this Act, the Attorney General shall sub-*
11 *mit to the Congress a report that contains the results of*
12 *the study required by this section. The Attorney General*
13 *shall make the report available to the public.*

14 ***SEC. 306. APPLICATION OF STATUTORY EXCLUSIONARY***
15 ***RULE CONCERNING INTERCEPTED WIRE OR***
16 ***ORAL COMMUNICATIONS.***

17 *Section 2515 of title 18, United States Code, is amend-*
18 *ed by adding at the end the following: “This section shall*
19 *not apply to the disclosure by the United States in a crimi-*
20 *nal trial or hearing or before a grand jury of the contents*
21 *of a wire or oral communication, or evidence derived there-*
22 *from, if any law enforcement officers who intercepted the*
23 *communication or gathered the evidence derived therefrom*
24 *acted with the reasonably objective belief that their actions*
25 *were in compliance with this chapter.”.*

1 **SEC. 307. EXCLUSION OF CERTAIN TYPES OF INFORMATION**
 2 **FROM WIRETAP-RELATED DEFINITIONS.**

3 (a) *DEFINITION OF “ELECTRONIC COMMUNICATION”.*—
 4 *Section 2510(12) of title 18, United States Code, is amend-*
 5 *ed—*

6 (1) *by striking “or” at the end of subparagraph*
 7 *(B);*

8 (2) *by inserting “or” at the end of subparagraph*
 9 *(C); and*

10 (3) *by adding a new subparagraph (D), as fol-*
 11 *lows:*

12 “(D) *information stored in a communica-*
 13 *tions system used for the electronic storage and*
 14 *transfer of funds;”*

15 (b) *DEFINITION OF “READILY ACCESSIBLE TO THE*
 16 *GENERAL PUBLIC”.*—*Section 2510(16) of title 18, United*
 17 *States Code, is amended—*

18 (1) *by inserting “or” at the end of subparagraph*
 19 *(D);*

20 (2) *by striking “or” at the end of subparagraph*
 21 *(E); and*

22 (3) *by striking subparagraph (F).*

23 **SEC. 308. ADDITION OF CONSPIRACIES TO TEMPORARY**
 24 **EMERGENCY WIRETAP AUTHORITY.**

25 (a) *SECTION 2518.*—*Section 2518(7)(a) of title 18,*
 26 *United States Code, is amended—*

1 (1) by striking “or” at the end of subparagraph
2 (ii);

3 (2) by inserting after subparagraph (ii) the fol-
4 lowing:

5 “(iii) conspiratorial activities involving do-
6 mestic terrorism or international terrorism (as
7 that term is defined in section 2331 of this title),
8 or”; and

9 (3) by redesignating existing subparagraph (iii)
10 as subparagraph (iv).

11 (b) *DEFINITION OF DOMESTIC TERRORISM.*—Section
12 2510 of title 18, United States Code, is amended.—

13 (1) by striking “and” at the end of paragraph
14 (17);

15 (2) by striking the period at the end of para-
16 graph (18) and inserting “; and”; and

17 (3) by inserting after paragraph (18) the follow-
18 ing:

19 “(19) ‘domestic terrorism’ means terrorism, as
20 defined in section 2331 of this title, that occurs
21 primarily inside the territorial jurisdiction of the
22 United States.”.

23 **SEC. 309. REQUIREMENTS FOR MULTIPOINT WIRETAPS.**

24 Section 2518(11) of title 18, United States Code, is
25 amended to read as follows:

1 “(11) *The requirements of subsections (1)(b)(11) and*
 2 *(3)(d) of this section relating to the specification of facilities*
 3 *from which or the place where the communication is to be*
 4 *intercepted to do not apply if, in the case of an application*
 5 *with respect to the interception of oral, wire, or electronic*
 6 *communications—*

7 “(a) *the application is by a Federal investigative*
 8 *or law enforcement officer, and is approved by the At-*
 9 *torney General, the Deputy Attorney General, the As-*
 10 *sociate Attorney General, or an Assistant Attorney*
 11 *General (or an official acting in any such capacity);*

12 “(b) *the application contains a full and complete*
 13 *statement as to why such specification is not prac-*
 14 *tical and identifies the person committing the offense*
 15 *and whose communications are to be intercepted; and*

16 “(c) *the judge finds that such specification is not*
 17 *practical.*”.

18 **SEC. 310. ACCESS TO TELEPHONE BILLING RECORDS.**

19 (a) *SECTION 2709.—Section 2709(b) of title 18, Unit-*
 20 *ed States Code, is amended—*

21 (1) *in paragraph (1)(A), by inserting “local and*
 22 *long distance” before “toll billing records”;*

23 (2) *by striking “and” at the end of paragraph*
 24 *(1);*

1 (3) *by striking the period at the end of para-*
 2 *graph (2) and inserting “; and”; and*

3 (4) *by adding at the end a new paragraph (3),*
 4 *as follows:*

5 “(3) *request the name, address, length of service,*
 6 *and local and long distance toll billing records of a*
 7 *person or entity if the Director or the Director’s des-*
 8 *ignee (in a position not lower than Deputy Assistant*
 9 *Director) certifies in writing to the wire or electronic*
 10 *communication service provider to which the request*
 11 *is made that the information sought is relevant to an*
 12 *authorized domestic terrorism investigation.”.*

13 (b) *SECTION 2703.—Section 2703(c)(1)(C) of title 18,*
 14 *United States Code, is amended by inserting “local and*
 15 *long distance” before “telephone toll billing records”.*

16 (c) *CIVIL REMEDY.—Section 2707 of title 18, United*
 17 *States Code, is amended—*

18 (1) *in subsection (a), by striking “customer” and*
 19 *inserting “any other person”;*

20 (2) *in subsection (c), inserting before the period*
 21 *at the end the following: “, and if the violation is*
 22 *willful or intentional, such punitive damages as the*
 23 *court may allow, and, in the case of any successful*
 24 *action to enforce liability under this section, the costs*

1 of the action, together with reasonable attorney fees,
2 as determined by the court”; and

3 (3) by adding at the end the following:

4 “(f) *DISCIPLINARY ACTIONS FOR VIOLATIONS.*—If a
5 court determines that any agency or department of the
6 United States has violated this chapter and the court finds
7 that the circumstances surrounding the violation raise ques-
8 tions of whether or not an officer or employee of the agency
9 or department acted willfully or intentionally with respect
10 to the violation, the agency or department shall promptly
11 initiate a proceeding to determine whether or not discipli-
12 nary action is warranted against the officer or employee
13 who was responsible for the violation.”.

14 **SEC. 311. REQUIREMENT TO PRESERVE RECORD EVIDENCE.**

15 Section 2703 of title 18, United States Code, is amend-
16 ed by adding at the end the following:

17 “(f) *REQUIREMENT TO PRESERVE EVIDENCE.*—A pro-
18 vider of wire or electronic communication services or a re-
19 mote computing service, upon the request of a governmental
20 entity, shall take all necessary steps to preserve records, and
21 other evidence in its possession pending the issuance of a
22 court order or other process. Such records shall be retained
23 for a period of 90 days, which period shall be extended for
24 an additional 90-day period upon a renewed request by the
25 governmental entity.”.

1 **SEC. 312. AUTHORITY TO REQUEST MILITARY ASSISTANCE**
2 **WITH RESPECT TO OFFENSES INVOLVING BI-**
3 **OLOGICAL AND CHEMICAL WEAPONS.**

4 (a) *IN GENERAL.*—The Attorney General may request
5 that the Secretary of Defense provide technical and
6 logistical assistance by civilian and military personnel of
7 the Department of Defense in support of Department of Jus-
8 tice activities relating to the enforcement of criminal law
9 in an emergency situation involving biological weapons or
10 chemical weapons of mass destruction. Department of De-
11 fense resources, including personnel of the Department of
12 Defense, may be used to provide such assistance if—

13 (1) the Secretary of Defense and the Attorney
14 General determine that an emergency situation in-
15 volving such weapons exists; and

16 (2) the Secretary of Defense determines that the
17 provision of such assistance will not adversely affect
18 the military preparedness of the United States.

19 (b) *DEFINITION.*—As used in this section, the term
20 “emergency situation involving biological weapons or chem-
21 ical weapons of mass destruction” means a circumstance
22 involving a biological or chemical weapon of mass destruc-
23 tion—

24 (1) that poses a serious threat to the interests of
25 the United States; and

26 (2) in which—

1 (A) civilian expertise is not readily avail-
2 able to provide the required assistance to counter
3 the threat involved;

4 (B) Department of Defense special capabili-
5 ties and expertise are needed to counter the
6 threat; and

7 (C) enforcement of the law would be seri-
8 ously impaired if the Department of Defense as-
9 sistance were not provided.

10 (c) NATURE OF ASSISTANCE.—The assistance referred
11 to in subsection (a) includes the operation of equipment (in-
12 cluding equipment made available under section 372 of title
13 10, United States Code) to monitor, contain, disable, or dis-
14 pose of a biological or chemical weapon or elements of the
15 weapon.

16 (d) REGULATIONS.—The Attorney General and the
17 Secretary of Defense shall jointly issue regulations concern-
18 ing the types of technical and logistical assistance that may
19 be provided under this section. Such regulations shall also
20 describe the actions that Department of Defense personnel
21 may take in circumstances incident to the provision of as-
22 sistance under this section. Such regulations shall not au-
23 thorize arrest or any assistance in conducting searches and
24 seizures that seek evidence related to violations of criminal
25 law, except for the immediate protection of human life.

1 (e) *REIMBURSEMENT.*—*The Secretary of Defense shall*
2 *require reimbursement as a condition for providing assist-*
3 *ance under this subsection in accordance with section 377*
4 *of title 10, United States Code.*

5 (f) *DELEGATION.*—

6 (1) *Except to the extent otherwise provided by*
7 *the Attorney General, the Deputy Attorney General*
8 *may exercise the authority of the Attorney General*
9 *under this subsection. The Attorney General may del-*
10 *egate the Attorney General’s authority under this sub-*
11 *section only to the Associate Attorney General or an*
12 *Assistant Attorney General and only if the Associate*
13 *Attorney General or Assistant Attorney General to*
14 *whom delegated has been designated by the Attorney*
15 *General to act for, and to exercise the general powers*
16 *of, the Attorney General.*

17 (2) *Except to the extent otherwise provided by*
18 *the Secretary of Defense, the Deputy Secretary of De-*
19 *fense may exercise the authority of the Secretary of*
20 *Defense under this subsection. The Secretary of De-*
21 *fense may delegate the Secretary’s authority under*
22 *this subsection only to an Under Secretary of Defense*
23 *or an Assistant Secretary of Defense and only if the*
24 *Under Secretary or Assistant Secretary to whom dele-*

1 gated has been designated by the Secretary to act for,
 2 and to exercise the general powers of, the Secretary.

3 **SEC. 313. DETENTION HEARING.**

4 Section 3142(f) of title 18, United States Code, is
 5 amended by inserting “(not including any intermediate
 6 Saturday, Sunday, or legal holiday)” after “five days” and
 7 after “three days”.

8 **SEC. 314. REWARD AUTHORITY OF THE ATTORNEY GEN-**
 9 **ERAL.**

10 (a) *IN GENERAL.*—Title 18, United States Code, is
 11 amended by striking sections 3059 through 3059A and in-
 12 serting the following:

13 **“§ 3059. Reward authority of the Attorney General**

14 “(a) The Attorney General may pay rewards and re-
 15 ceive from any department or agency, funds for the pay-
 16 ment of rewards under this section, to any individual who
 17 provides any information unknown to the Government lead-
 18 ing to the arrest or prosecution of any individual for Fed-
 19 eral felony offenses.

20 “(b) If the reward exceeds \$100,000, the Attorney Gen-
 21 eral shall give notice of that fact to the Senate and the
 22 House of Representatives not later than 30 days after au-
 23 thorizing the payment of the reward.

24 “(c) A determination made by the Attorney General
 25 as to whether to authorize an award under this section and

1 *as to the amount of any reward authorized shall be final*
2 *and conclusive, and no court shall have jurisdiction to re-*
3 *view it.*

4 “(d) *If the Attorney General determines that the iden-*
5 *tity of the recipient of a reward or of the members of the*
6 *recipient’s immediate family must be protected, the Attor-*
7 *ney General may take such measures in connection with*
8 *the payment of the reward as the Attorney General deems*
9 *necessary to effect such protection.*

10 “(e) *No officer or employee of any governmental entity*
11 *may receive a reward under this section for conduct in per-*
12 *formance of his or her official duties.*

13 “(f) *Any individual (and the immediate family of such*
14 *individual) who furnishes information which would justify*
15 *a reward under this section or a reward by the Secretary*
16 *of State under section 36 of the State Department Basic*
17 *Authorities Act of 1956 may, in the discretion of the Attor-*
18 *ney General, participate in the Attorney General’s witness*
19 *security program under chapter 224 of this title.”.*

20 (b) *CLERICAL AMENDMENT.—The table of sections at*
21 *the beginning of chapter 203 of title 18, United States Code,*
22 *is amended by striking the items relating to section 3059*
23 *and 3059A and inserting the following new item:*

“3059. Reward authority of the Attorney General.”.

1 (c) *CONFORMING AMENDMENT.*—Section 1751 of title
 2 18, United States Code, is amended by striking subsection
 3 (g).

4 ***SEC. 315. DEFINITION OF TERRORISM.***

5 Section 2331 of title 18, United States Code, is amend-
 6 ed—

7 (1) so that paragraph (1) reads as follows:

8 “(1) the term ‘terrorism’ means terrorist activity
 9 as defined in section 212(a)(3)(B)(ii) of the Immigra-
 10 tion and Nationality Act;”;

11 (2) by inserting after paragraph (1) the follow-
 12 ing:

13 “(2) the term ‘international terrorism’ means
 14 terrorism that occurs primarily outside the territorial
 15 jurisdiction of the United States, or transcends na-
 16 tional boundaries in terms of the means by which it
 17 is accomplished, the persons it appears intended to
 18 intimidate or coerce, or the locale in which its per-
 19 petrators operate or seek asylum;”;

20 (3) by redesignating existing paragraphs (2)
 21 through (4) as paragraphs (3) through (5), respec-
 22 tively.

23 ***SEC. 316. PROTECTION OF FEDERAL GOVERNMENT BUILD-***
 24 ***INGS IN THE DISTRICT OF COLUMBIA.***

25 The Attorney General is authorized—

1 (1) *to prohibit vehicles from parking or standing*
 2 *on any street or roadway adjacent to any building in*
 3 *the District of Columbia which is in whole or in part*
 4 *owned, possessed, used by, or leased to the Federal*
 5 *Government and used by Federal law enforcement au-*
 6 *thorities; and*

7 (2) *to prohibit any person or entity from con-*
 8 *ducting business on any property immediately adja-*
 9 *cent to any such building.*

10 ***SEC. 317. STUDY OF THEFTS FROM ARMORIES; REPORT TO***
 11 ***THE CONGRESS.***

12 (a) *STUDY.*—*The Attorney General of the United*
 13 *States shall conduct a study of the extent of thefts from mili-*
 14 *tary arsenals (including National Guard armories) of fire-*
 15 *arms, explosives, and other materials that are potentially*
 16 *useful to terrorists.*

17 (b) *REPORT TO THE CONGRESS.*—*Within 6 months*
 18 *after the date of the enactment of this Act, the Attorney*
 19 *General shall submit to the Congress a report on the study*
 20 *required by subsection (a).*

21 ***TITLE IV—NUCLEAR MATERIALS***

22 ***SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBI-***
 23 ***TIONS.***

24 *Section 831 of title 18, United States Code, is*
 25 *amended—*

1 (1) in subsection (a), by striking “nuclear mate-
2 rial” each place it appears and inserting “nuclear
3 material or nuclear byproduct material”;

4 (2) in subsection (a)(1)(A), by inserting “or the
5 environment” after “property”;

6 (3) so that subsection (a)(1)(B) reads as follows:

7 “(B)(i) circumstances exist which are likely
8 to cause the death of or serious bodily injury to
9 any person or substantial damage to property or
10 the environment; or (ii) such circumstances are
11 represented to the defendant to exist;”;

12 (4) in subsection (a)(6), by inserting “or the en-
13 vironment” after “property”;

14 (5) so that subsection (c)(2) reads as follows:

15 “(2) an offender or a victim is a national of the
16 United States or a United States corporation or other
17 legal entity;”;

18 (6) in subsection (c)(3), by striking “at the time
19 of the offense the nuclear material is in use, storage,
20 or transport, for peaceful purposes, and”;

21 (7) by striking “or” at the end of subsection
22 (c)(3);

23 (8) in subsection (c)(4), by striking “nuclear ma-
24 terial for peaceful purposes” and inserting “nuclear
25 material or nuclear byproduct material”;

1 (9) *by striking the period at the end of sub-*
2 *section (c)(4) and inserting “; or”;*

3 (10) *by adding at the end of subsection (c) the*
4 *following:*

5 *“(5) the governmental entity under subsection*
6 *(a)(5) is the United States or the threat under sub-*
7 *section (a)(6) is directed at the United States.”;*

8 (11) *in subsection (f)(1)(A), by striking “with an*
9 *isotopic concentration not in excess of 80 percent plu-*
10 *tonium 238”;*

11 (12) *in subsection (f)(1)(C) by inserting “en-*
12 *riched uranium, defined as” before “uranium”;*

13 (13) *in subsection (f), by redesignating para-*
14 *graphs (2), (3), and (4) as paragraphs (3), (4), and*
15 *(5), respectively;*

16 (14) *by inserting after subsection (f)(1) the*
17 *following:*

18 *“(2) the term ‘nuclear byproduct material’*
19 *means any material containing any radioactive iso-*
20 *tope created through an irradiation process in the op-*
21 *eration of a nuclear reactor or accelerator;”;*

22 (15) *by striking “and” at the end of subsection*
23 *(f)(4), as redesignated;*

1 (16) *by striking the period at the end of sub-*
 2 *section (f)(5), as redesignated, and inserting a semi-*
 3 *colon; and*

4 (17) *by adding at the end of subsection (f) the*
 5 *following:*

6 “(6) *the term ‘national of the United States’ has*
 7 *the meaning prescribed in section 101(a)(22) of the*
 8 *Immigration and Nationality Act (8 U.S.C.*
 9 *1101(a)(22)); and*

10 “(7) *the term ‘United States corporation or other*
 11 *legal entity’ means any corporation or other entity*
 12 *organized under the laws of the United States or any*
 13 *State, district, commonwealth, territory or possession*
 14 *of the United States.’.*

15 ***TITLE V—CONVENTION ON THE***
 16 ***MARKING OF PLASTIC EXPLO-***
 17 ***SIVES***

18 ***SEC. 501. DEFINITIONS.***

19 *Section 841 of title 18, United States Code, is amended*
 20 *by adding at the end the following:*

21 “(o) *‘Convention on the Marking of Plastic Ex-*
 22 *plosives’ means the Convention on the Marking of*
 23 *Plastic Explosives for the Purpose of Detection, Done*
 24 *at Montreal on 1 March 1991.*

“(p) ‘Detection agent’ means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

“(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

“(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

“(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

“(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

“(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of

1 *Defense, which has been added to the table in*
 2 *part 2 of the Technical Annex to the Convention*
 3 *on the Marking of Plastic Explosives.*

4 “(q) ‘Plastic explosive’ means an explosive mate-
 5 *rial in flexible or elastic sheet form formulated with*
 6 *one or more high explosives which in their pure form*
 7 *have a vapor pressure less than 10^{-4} Pa at a tem-*
 8 *perature of 25°C., is formulated with a binder mate-*
 9 *rial, and is as a mixture malleable or flexible at nor-*
 10 *mal room temperature.”.*

11 ***SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLAS-***
 12 ***TIC EXPLOSIVES.***

13 *Section 842 of title 18, United States Code, is amended*
 14 *by adding at the end the following:*

15 “(l) *It shall be unlawful for any person to manufacture*
 16 *any plastic explosive which does not contain a detection*
 17 *agent.*

18 “(m)(1) *It shall be unlawful for any person to import*
 19 *or bring into the United States, or export from the United*
 20 *States, any plastic explosive which does not contain a detec-*
 21 *tion agent.*

22 “(2) *Until the 15-year period that begins with the date*
 23 *of entry into force of the Convention on the Marking of Plas-*
 24 *tic Explosives with respect to the United States has expired,*
 25 *paragraph (1) shall not apply to the importation or bring-*

1 *ing into the United States, or the exportation from the*
2 *United States, of any plastic explosive which was imported,*
3 *brought into, or manufactured in the United States before*
4 *the effective date of this subsection by or on behalf of any*
5 *agency of the United States performing military or police*
6 *functions (including any military Reserve component) or*
7 *by or on behalf of the National Guard of any State.*

8 “(n)(1) *It shall be unlawful for any person to ship,*
9 *transport, transfer, receive, or possess any plastic explosive*
10 *which does not contain a detection agent.*

11 “(2)(A) *During the 3-year period that begins on the*
12 *effective date of this subsection, paragraph (1) shall not*
13 *apply to the shipment, transportation, transfer, receipt, or*
14 *possession of any plastic explosive, which was imported,*
15 *brought into, or manufactured in the United States before*
16 *such effective date by any person.*

17 “(B) *Until the 15-year period that begins on the date*
18 *of entry into force of the Convention on the Marking of Plas-*
19 *tic Explosives with respect to the United States has expired,*
20 *paragraph (1) shall not apply to the shipment, transpor-*
21 *tation, transfer, receipt, or possession of any plastic explo-*
22 *sive, which was imported, brought into, or manufactured*
23 *in the United States before the effective date of this sub-*
24 *section by or on behalf of any agency of the United States*
25 *performing a military or police function (including any*

1 *military reserve component) or by or on behalf of the Na-*
 2 *tional Guard of any State.*

3 “(o) *It shall be unlawful for any person, other than*
 4 *an agency of the United States (including any military re-*
 5 *serve component) or the National Guard of any State, pos-*
 6 *sessing any plastic explosive on the effective date of this sub-*
 7 *section, to fail to report to the Secretary within 120 days*
 8 *after the effective date of this subsection the quantity of such*
 9 *explosives possessed, the manufacturer or importer, any*
 10 *marks of identification on such explosives, and such other*
 11 *information as the Secretary may by regulations pre-*
 12 *scribe.”.*

13 ***SEC. 503. CRIMINAL SANCTIONS.***

14 *Section 844(a) of title 18, United States Code, is*
 15 *amended to read as follows:*

16 “(a) *Any person who violates subsections (a) through*
 17 *(i) or (l) through (o) of section 842 of this title shall be*
 18 *fined under this title, imprisoned not more than 10 years,*
 19 *or both.”.*

20 ***SEC. 504. EXCEPTIONS.***

21 *Section 845 of title 18, United States Code, is amend-*
 22 *ed—*

23 *(1) in subsection (a), by inserting “(l), (m), (n),*
 24 *or (o) of section 842 and subsections” after “sub-*
 25 *sections”;*

1 (2) in subsection (a)(1), by inserting “and which
2 pertains to safety” before the semicolon; and

3 (3) by adding at the end the following:

4 “(c) It is an affirmative defense against any proceed-
5 ing involving subsection (l), (m), (n), or (o) of section 842
6 of this title if the proponent proves by a preponderance of
7 the evidence that the plastic explosive—

8 “(1) consisted of a small amount of plastic explo-
9 sive intended for and utilized solely in lawful—

10 “(A) research, development, or testing of
11 new or modified explosive materials;

12 “(B) training in explosives detection or de-
13 velopment or testing of explosives detection
14 equipment; or

15 “(C) forensic science purposes; or

16 “(2) was plastic explosive which, within 3 years
17 after the effective date of this paragraph, will be or
18 is incorporated in a military device within the terri-
19 tory of the United States and remains an integral
20 part of such military device, or is intended to be, or
21 is incorporated in, and remains an integral part of
22 a military device that is intended to become, or has
23 become, the property of any agency of the United
24 States performing military or police functions (in-
25 cluding any military reserve component) or the Na-

1 *tional Guard of any State, wherever such device is lo-*
 2 *cated. For purposes of this subsection, the term ‘mili-*
 3 *tary device’ includes shells, bombs, projectiles, mines,*
 4 *missiles, rockets, shaped charges, grenades, per-*
 5 *forators, and similar devices lawfully manufactured*
 6 *exclusively for military or police purposes.”.*

7 **SEC. 505. INVESTIGATIVE AUTHORITY.**

8 *Section 846 of title 18, United States Code, is amend-*
 9 *ed—*

10 *(1) by inserting “subsection (m) or (n) of section*
 11 *842 or” before “subsection (d)”;* and

12 *(2) by adding at the end the following: “The At-*
 13 *torney General shall exercise authority over violations*
 14 *of subsection (m) or (n) of section 842 and subsection*
 15 *(d), (e), (f), (g), (h), or (i) of section 844 of this title*
 16 *only when they are committed by a member of a ter-*
 17 *rorist or revolutionary group. In any matter involv-*
 18 *ing a terrorist or revolutionary group or individual,*
 19 *as determined by the Attorney General, the Attorney*
 20 *General shall have primary investigative responsibil-*
 21 *ity and the Secretary shall assist the Attorney Gen-*
 22 *eral as requested.”.*

23 **SEC. 506. EFFECTIVE DATE.**

24 *The amendments made by this title shall take effect*
 25 *1 year after the date of the enactment of this Act.*

***TITLE VI—IMMIGRATION-
RELATED PROVISIONS
Subtitle A—Removal of Alien
Terrorists***

***PART 1—REMOVAL PROCEDURES FOR ALIEN
TERRORISTS***

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

*(a) IN GENERAL.—The Immigration and Nationality
Act is amended—*

*(1) by adding at the end of the table of contents
the following:*

***“TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN
TERRORISTS***

“Sec. 501. Definitions.

*“Sec. 502. Establishment of special removal court; panel of attorneys to assist
with classified information.*

“Sec. 503. Application for initiation of special removal proceeding.

“Sec. 504. Consideration of application.

“Sec. 505. Special removal hearings.

“Sec. 506. Consideration of classified information.

“Sec. 507. Appeals.

“Sec. 508. Detention and custody.”;

and

(2) by adding at the end the following new title:

***“TITLE V—SPECIAL REMOVAL PROCEDURES FOR
ALIEN TERRORISTS***

“DEFINITIONS

“SEC. 501. In this title:

***“(1) The term ‘alien terrorist’ means an alien
described in section 241(a)(4)(B).***

1 “(2) The term ‘classified information’ has the
2 meaning given such term in section 1(a) of the Classi-
3 fied Information Procedures Act (18 U.S.C. App.).

4 “(3) The term ‘national security’ has the mean-
5 ing given such term in section 1(b) of the Classified
6 Information Procedures Act (18 U.S.C. App.).

7 “(4) The term ‘special attorney’ means an attor-
8 ney who is on the panel established under section
9 502(e).

10 “(5) The term ‘special removal court’ means the
11 court established under section 502(a).

12 “(6) The term ‘special removal hearing’ means a
13 hearing under section 505.

14 “(7) The term ‘special removal proceeding’
15 means a proceeding under this title.

16 “ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF
17 ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

18 “SEC. 502. (a) IN GENERAL.—The Chief Justice of the
19 United States shall publicly designate 5 district court
20 judges from 5 of the United States judicial circuits who
21 shall constitute a court which shall have jurisdiction to con-
22 duct all special removal proceedings.

23 “(b) TERMS.—Each judge designated under subsection
24 (a) shall serve for a term of 5 years and shall be eligible
25 for redesignation, except that the four associate judges first
26 so designated shall be designated for terms of one, two, three,

1 *and four years so that the term of one judge shall expire*
 2 *each year.*

3 “(c) *CHIEF JUDGE.*—*The Chief Justice shall publicly*
 4 *designate one of the judges of the special removal court to*
 5 *be the chief judge of the court. The chief judge shall promul-*
 6 *gate rules to facilitate the functioning of the court and shall*
 7 *be responsible for assigning the consideration of cases to the*
 8 *various judges.*

9 “(d) *EXPEDITIOUS AND CONFIDENTIAL NATURE OF*
 10 *PROCEEDINGS.*—*The provisions of section 103(c) of the For-*
 11 *ign Intelligence Surveillance Act of 1978 (50 U.S.C.*
 12 *1803(c)) shall apply to proceedings under this title in the*
 13 *same manner as they apply to proceedings under such Act.*

14 “(e) *ESTABLISHMENT OF PANEL OF SPECIAL ATTOR-*
 15 *NEYS.*—*The special removal court shall provide for the des-*
 16 *ignation of a panel of attorneys each of whom—*

17 “(1) *has a security clearance which affords the*
 18 *attorney access to classified information, and*

19 “(2) *has agreed to represent permanent resident*
 20 *aliens with respect to classified information under*
 21 *sections 506 and 507(c)(2)(B) in accordance with*
 22 *(and subject to the penalties under) this title.*

23 “*APPLICATION FOR INITIATION OF SPECIAL REMOVAL*
 24 *PROCEEDING*

25 “*SEC. 503. (a) IN GENERAL.*—*Whenever the Attorney*
 26 *General has classified information that an alien is an alien*

1 *terrorist, the Attorney General, in the Attorney General’s*
2 *discretion, may seek removal of the alien under this title*
3 *through the filing with the special removal court of a writ-*
4 *ten application described in subsection (b) that seeks an*
5 *order authorizing a special removal proceeding under this*
6 *title. The application shall be submitted in camera and ex*
7 *parte and shall be filed under seal with the court.*

8 “(b) *CONTENTS OF APPLICATION.—Each application*
9 *for a special removal proceeding shall include all of the fol-*
10 *lowing:*

11 “(1) *The identity of the Department of Justice*
12 *attorney making the application.*

13 “(2) *The approval of the Attorney General or the*
14 *Deputy Attorney General for the filing of the applica-*
15 *tion based upon a finding by that individual that the*
16 *application satisfies the criteria and requirements of*
17 *this title.*

18 “(3) *The identity of the alien for whom author-*
19 *ization for the special removal proceeding is sought.*

20 “(4) *A statement of the facts and circumstances*
21 *relied on by the Department of Justice to establish*
22 *that—*

23 “(A) *the alien is an alien terrorist and is*
24 *physically present in the United States, and*

1 “(B) with respect to such alien, adherence to
2 the provisions of title II regarding the deporta-
3 tion of aliens would pose a risk to the national
4 security of the United States.

5 “(5) An oath or affirmation respecting each of
6 the facts and statements described in the previous
7 paragraphs.

8 “(c) *RIGHT TO DISMISS.*—The Department of Justice
9 retains the right to dismiss a removal action under this
10 title at any stage of the proceeding.

11 “CONSIDERATION OF APPLICATION

12 “SEC. 504. (a) *IN GENERAL.*—In the case of an appli-
13 cation under section 503 to the special removal court, a sin-
14 gle judge of the court shall be assigned to consider the appli-
15 cation. The judge, in accordance with the rules of the court,
16 shall consider the application and may consider other infor-
17 mation, including classified information, presented under
18 oath or affirmation. The judge shall consider the applica-
19 tion (and any hearing thereof) in camera and ex parte. A
20 verbatim record shall be maintained of any such hearing.

21 “(b) *APPROVAL OF ORDER.*—The judge shall enter ex
22 parte the order requested in the application if the judge
23 finds, on the basis of such application and such other infor-
24 mation (if any), that there is probable cause to believe
25 that—

1 “(1) the alien who is the subject of the applica-
2 tion has been correctly identified and is an alien ter-
3 rorist, and

4 “(2) adherence to the provisions of title II re-
5 garding the deportation of the identified alien would
6 pose a risk to the national security of the United
7 States.

8 “(c) *DENIAL OF ORDER*.—If the judge denies the order
9 requested in the application, the judge shall prepare a writ-
10 ten statement of the judge’s reasons for the denial.

11 “(d) *EXCLUSIVE PROVISIONS*.—Whenever an order is
12 issued under this section with respect to an alien—

13 “(1) the alien’s rights regarding removal and ex-
14 pulsion shall be governed solely by the provisions of
15 this title, and

16 “(2) except as they are specifically referenced, no
17 other provisions of this Act shall be applicable.

18 “*SPECIAL REMOVAL HEARINGS*

19 “*SEC. 505. (a) IN GENERAL*.—In any case in which
20 the application for the order is approved under section 504,
21 a special removal hearing shall be conducted under this sec-
22 tion for the purpose of determining whether the alien to
23 whom the order pertains should be removed from the United
24 States on the grounds that the alien is an alien terrorist.
25 Consistent with section 506, the alien shall be given reason-
26 able notice of the nature of the charges against the alien

1 *and a general account of the basis for the charges. The alien*
2 *shall be given notice, reasonable under all the cir-*
3 *cumstances, of the time and place at which the hearing will*
4 *be held. The hearing shall be held as expeditiously as pos-*
5 *sible.*

6 “(b) *USE OF SAME JUDGE.*—*The special removal hear-*
7 *ing shall be held before the same judge who granted the order*
8 *pursuant to section 504 unless that judge is deemed un-*
9 *available due to illness or disability by the chief judge of*
10 *the special removal court, or has died, in which case the*
11 *chief judge shall assign another judge to conduct the special*
12 *removal hearing. A decision by the chief judge pursuant to*
13 *the preceding sentence shall not be subject to review by ei-*
14 *ther the alien or the Department of Justice.*

15 “(c) *RIGHTS IN HEARING.*—

16 “(1) *PUBLIC HEARING.*—*The special removal*
17 *hearing shall be open to the public.*

18 “(2) *RIGHT OF COUNSEL.*—*The alien shall have*
19 *a right to be present at such hearing and to be rep-*
20 *resented by counsel. Any alien financially unable to*
21 *obtain counsel shall be entitled to have counsel as-*
22 *signed to represent the alien. Such counsel shall be*
23 *appointed by the judge pursuant to the plan for fur-*
24 *nishing representation for any person financially un-*
25 *able to obtain adequate representation for the district*

1 *in which the hearing is conducted, as provided for in*
2 *section 3006A of title 18, United States Code. All pro-*
3 *visions of that section shall apply and, for purposes*
4 *of determining the maximum amount of compensa-*
5 *tion, the matter shall be treated as if a felony was*
6 *charged.*

7 “(3) *INTRODUCTION OF EVIDENCE.—The alien*
8 *shall have a right to introduce evidence on the alien’s*
9 *own behalf.*

10 “(4) *EXAMINATION OF WITNESSES.—Except as*
11 *provided in section 506, the alien shall have a reason-*
12 *able opportunity to examine the evidence against the*
13 *alien and to cross-examine any witness.*

14 “(5) *RECORD.—A verbatim record of the pro-*
15 *ceedings and of all testimony and evidence offered or*
16 *produced at such a hearing shall be kept.*

17 “(6) *DECISION BASED ON EVIDENCE AT HEAR-*
18 *ING.—The decision of the judge in the hearing shall*
19 *be based only on the evidence introduced at the hear-*
20 *ing, including evidence introduced under subsection*
21 *(e).*

22 “(7) *NO RIGHT TO ANCILLARY RELIEF.—In the*
23 *hearing, the judge is not authorized to consider or*
24 *provide for relief from removal based on any of the*
25 *following:*

1 “(A) *Asylum under section 208.*

2 “(B) *Withholding of deportation under sec-*
3 *tion 243(h).*

4 “(C) *Suspension of deportation under sec-*
5 *tion 244(a) or 244(e).*

6 “(D) *Adjustment of status under section*
7 *245.*

8 “(E) *Registry under section 249.*

9 “(d) *SUBPOENAS.—*

10 “(1) *REQUEST.—At any time prior to the con-*
11 *clusion of the special removal hearing, either the alien*
12 *or the Department of Justice may request the judge*
13 *to issue a subpoena for the presence of a named wit-*
14 *ness (which subpoena may also command the person*
15 *to whom it is directed to produce books, papers, docu-*
16 *ments, or other objects designated therein) upon a sat-*
17 *isfactory showing that the presence of the witness is*
18 *necessary for the determination of any material mat-*
19 *ter. Such a request may be made ex parte except that*
20 *the judge shall inform the Department of Justice of*
21 *any request for a subpoena by the alien for a witness*
22 *or material if compliance with such a subpoena*
23 *would reveal evidence or the source of evidence which*
24 *has been introduced, or which the Department of Jus-*
25 *tice has received permission to introduce, in camera*

1 *and ex parte pursuant to subsection (e) and section*
2 *506, and the Department of Justice shall be given a*
3 *reasonable opportunity to oppose the issuance of such*
4 *a subpoena.*

5 “(2) *PAYMENT FOR ATTENDANCE.*—*If an appli-*
6 *cation for a subpoena by the alien also makes a show-*
7 *ing that the alien is financially unable to pay for the*
8 *attendance of a witness so requested, the court may*
9 *order the costs incurred by the process and the fees of*
10 *the witness so subpoenaed to be paid from funds ap-*
11 *propriated for the enforcement of title II.*

12 “(3) *NATIONWIDE SERVICE.*—*A subpoena under*
13 *this subsection may be served anywhere in the United*
14 *States.*

15 “(4) *WITNESS FEES.*—*A witness subpoenaed*
16 *under this subsection shall receive the same fees and*
17 *expenses as a witness subpoenaed in connection with*
18 *a civil proceeding in a court of the United States.*

19 “(5) *NO ACCESS TO CLASSIFIED INFORMATION.*—
20 *Nothing in this subsection is intended to allow an*
21 *alien to have access to classified information.*

22 “(e) *INTRODUCTION OF CLASSIFIED INFORMATION.*—

23 “(1) *IN GENERAL.*—*Classified information that*
24 *has been summarized pursuant to section 506(b) and*
25 *classified information for which findings described in*

1 *section 506(b)(4)(B) have been made and for which*
2 *no summary is provided shall be introduced (either*
3 *in writing or through testimony) in camera and ex*
4 *parte and neither the alien nor the public shall be*
5 *informed of such evidence or its sources other than*
6 *through reference to the summary (if any) provided*
7 *pursuant to such section. Notwithstanding the pre-*
8 *vious sentence, the Department of Justice may, in its*
9 *discretion and after coordination with the originating*
10 *agency, elect to introduce such evidence in open ses-*
11 *sion.*

12 *“(2) TREATMENT OF ELECTRONIC SURVEILLANCE*
13 *INFORMATION.—*

14 *“(A) USE OF ELECTRONIC SURVEIL-*
15 *LANCE.—The Government is authorized to use in*
16 *a special removal proceeding the fruits of elec-*
17 *tronic surveillance and unconsented physical*
18 *searches authorized under the Foreign Intel-*
19 *ligence Surveillance Act of 1978 (50 U.S.C. 1801*
20 *et seq.) without regard to subsections (c), (e), (f),*
21 *(g), and (h) of section 106 of that Act.*

22 *“(B) NO DISCOVERY OF ELECTRONIC SUR-*
23 *VEILLANCE INFORMATION.—An alien subject to*
24 *removal under this title shall have no right of*
25 *discovery of information derived from electronic*

1 *surveillance authorized under the Foreign Intel-*
 2 *ligence Surveillance Act of 1978 or otherwise for*
 3 *national security purposes. Nor shall such alien*
 4 *have the right to seek suppression of evidence.*

5 “(C) *CERTAIN PROCEDURES NOT APPLICA-*
 6 *BLE.—The provisions and requirements of sec-*
 7 *tion 3504 of title 18, United States Code, shall*
 8 *not apply to procedures under this title.*

9 “(3) *RIGHTS OF UNITED STATES.—Nothing in*
 10 *this section shall prevent the United States from seek-*
 11 *ing protective orders and from asserting privileges or-*
 12 *dinarily available to the United States to protect*
 13 *against the disclosure of classified information, in-*
 14 *cluding the invocation of the military and state se-*
 15 *crets privileges.*

16 “(f) *INCLUSION OF CERTAIN EVIDENCE.—The Federal*
 17 *Rules of Evidence shall not apply to hearings under this*
 18 *section. Evidence introduced at the special removal hearing,*
 19 *either in open session or in camera and ex parte, may, in*
 20 *the discretion of the Department of Justice, include all or*
 21 *part of the information presented under section 504 used*
 22 *to obtain the order for the hearing under this section.*

23 “(g) *ARGUMENTS.—Following the receipt of evidence,*
 24 *the attorneys for the Department of Justice and for the alien*
 25 *shall be given fair opportunity to present argument as to*

1 *whether the evidence is sufficient to justify the removal of*
2 *the alien. The attorney for the Department of Justice shall*
3 *open the argument. The attorney for the alien shall be per-*
4 *mitted to reply. The attorney for the Department of Justice*
5 *shall then be permitted to reply in rebuttal. The judge may*
6 *allow any part of the argument that refers to evidence re-*
7 *ceived in camera and ex parte to be heard in camera and*
8 *ex parte.*

9 “(h) *BURDEN OF PROOF.*—*In the hearing the Depart-*
10 *ment of Justice has the burden of showing by clear and con-*
11 *vincing evidence that the alien is subject to removal because*
12 *the alien is an alien terrorist. If the judge finds that the*
13 *Department of Justice has met this burden, the judge shall*
14 *order the alien removed and detained pending removal from*
15 *the United States. If the alien was released pending the spe-*
16 *cial removal hearing, the judge shall order the Attorney*
17 *General to take the alien into custody.*

18 “(i) *WRITTEN ORDER.*—*At the time of rendering a de-*
19 *cision as to whether the alien shall be removed, the judge*
20 *shall prepare a written order containing a statement of*
21 *facts found and conclusions of law. Any portion of the order*
22 *that would reveal the substance or source of information*
23 *received in camera and ex parte pursuant to subsection (e)*
24 *shall not be made available to the alien or the public.*

1 “CONSIDERATION OF CLASSIFIED INFORMATION

2 “SEC. 506. (a) *CONSIDERATION IN CAMERA AND EX*
3 *PARTE.*—*In any case in which the application for the order*
4 *authorizing the special procedures of this title is approved,*
5 *the judge who granted the order shall consider each item*
6 *of classified information the Department of Justice proposes*
7 *to introduce in camera and ex parte at the special removal*
8 *hearing and shall order the introduction of such informa-*
9 *tion pursuant to section 505(e) if the judge determines the*
10 *information to be relevant.*

11 “(b) *PREPARATION AND PROVISION OF WRITTEN SUM-*
12 *MARY.*—

13 “(1) *PREPARATION.*—*The Department of Justice*
14 *shall prepare a written summary of such classified*
15 *information which does not pose a risk to national se-*
16 *curity.*

17 “(2) *CONDITIONS FOR APPROVAL BY JUDGE AND*
18 *PROVISION TO ALIEN.*—*The judge shall approve the*
19 *summary so long as the judge finds that the summary*
20 *is sufficient—*

21 “(A) *to inform the alien of the general na-*
22 *ture of the evidence that the alien is an alien ter-*
23 *rorist, and*

24 “(B) *to permit the alien to prepare a de-*
25 *fense against deportation.*

1 *The Department of Justice shall cause to be delivered*
2 *to the alien a copy of the summary.*

3 “(3) *OPPORTUNITY FOR CORRECTION AND*
4 *RESUBMITTAL.—If the judge does not approve the*
5 *summary, the judge shall provide the Department a*
6 *reasonable opportunity to correct the deficiencies*
7 *identified by the court and to submit a revised sum-*
8 *mary.*

9 “(4) *CONDITIONS FOR TERMINATION OF PRO-*
10 *CEEDINGS IF SUMMARY NOT APPROVED.—*

11 “(A) *IN GENERAL.—If, subsequent to the op-*
12 *portunity described in paragraph (3), the judge*
13 *does not approve the summary, the judge shall*
14 *terminate the special removal hearing unless the*
15 *judge makes the findings described in subpara-*
16 *graph (B).*

17 “(B) *FINDINGS.—The findings described in*
18 *this subparagraph are, with respect to an alien,*
19 *that—*

20 “(i) *the continued presence of the alien*
21 *in the United States, and*

22 “(ii) *the provision of the required sum-*
23 *mary,*

1 *would likely cause serious and irreparable harm*
2 *to the national security or death or serious bod-*
3 *ily injury to any person.*

4 “(5) *CONTINUATION OF HEARING WITHOUT SUM-*
5 *MARY.—If a judge makes the findings described in*
6 *paragraph (4)(B)—*

7 “(A) *if the alien involved is an alien law-*
8 *fully admitted for permanent residence, the pro-*
9 *cedures described in subsection (c) shall apply;*
10 *and*

11 “(B) *in all cases the special removal hear-*
12 *ing shall continue, the Department of Justice*
13 *shall cause to be delivered to the alien a state-*
14 *ment that no summary is possible, and the clas-*
15 *sified information submitted in camera and ex*
16 *parte may be used pursuant to section 505(e).*

17 “(c) *SPECIAL PROCEDURES FOR ACCESS AND CHAL-*
18 *LENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTOR-*
19 *NEYS IN CASE OF LAWFUL PERMANENT ALIENS.—*

20 “(1) *IN GENERAL.—The procedures described in*
21 *this subsection are that the judge (under rules of the*
22 *special removal court) shall designate a special attor-*
23 *ney (as defined in section 501(4)) to assist the*
24 *alien—*

1 “(A) by reviewing in camera the classified
2 information on behalf of the alien, and

3 “(B) by challenging through an in camera
4 proceeding the veracity of the evidence contained
5 in the classified information.

6 “(2) *RESTRICTIONS ON DISCLOSURE.*—A special
7 attorney receiving classified information under para-
8 graph (1)—

9 “(A) shall not disclosure the information to
10 the alien or to any other attorney representing
11 the alien, and

12 “(B) who discloses such information in vio-
13 lation of subparagraph (A) shall be subject to a
14 fine under title 18, United States Code, impris-
15 oned for not less than 10 years nor more than
16 25 years, or both.

17 “*APPEALS*

18 “*SEC. 507. (a) APPEALS OF DENIALS OF APPLICA-*
19 *TIONS FOR ORDERS.*—The Department of Justice may seek
20 a review of the denial of an order sought in an application
21 by the United States Court of Appeals for the District of
22 Columbia Circuit by notice of appeal which must be filed
23 within 20 days after the date of such denial. In such a case
24 the entire record of the proceeding shall be transmitted to
25 the Court of Appeals under seal and the Court of Appeals
26 shall hear the matter *ex parte*. In such a case the Court

1 *of Appeals shall review questions of law de novo, but a prior*
 2 *finding on any question of fact shall not be set aside unless*
 3 *such finding was clearly erroneous.*

4 “(b) *APPEALS OF DETERMINATIONS ABOUT SUM-*
 5 *MARIES OF CLASSIFIED INFORMATION.—Either party may*
 6 *take an interlocutory appeal to the United States Court of*
 7 *Appeals for the District of Columbia Circuit of—*

8 “(1) *any determination by the judge pursuant to*
 9 *section 506(a)—*

10 “(A) *concerning whether an item of evidence*
 11 *may be introduced in camera and ex parte, or*

12 “(B) *concerning the contents of any sum-*
 13 *mary of evidence to be introduced in camera and*
 14 *ex parte prepared pursuant to section 506(b); or*

15 “(2) *the refusal of the court to make the findings*
 16 *permitted by section 506(b)(4)(B).*

17 *In any interlocutory appeal taken pursuant to this sub-*
 18 *section, the entire record, including any proposed order of*
 19 *the judge or summary of evidence, shall be transmitted to*
 20 *the Court of Appeals under seal and the matter shall be*
 21 *heard ex parte.*

22 “(c) *APPEALS OF DECISION IN HEARING.—*

23 “(1) *IN GENERAL.—Subject to paragraph (2), the*
 24 *decision of the judge after a special removal hearing*
 25 *may be appealed by either the alien or the Depart-*

1 *ment of Justice to the United States Court of Appeals*
 2 *for the District of Columbia Circuit by notice of ap-*
 3 *peal.*

4 “(2) *AUTOMATIC APPEALS IN CASES OF PERMA-*
 5 *NENT RESIDENT ALIENS IN WHICH NO SUMMARY PRO-*
 6 *VIDED.—*

7 “(A) *IN GENERAL.—Unless the alien waives*
 8 *the right to a review under this paragraph, in*
 9 *any case involving an alien lawfully admitted*
 10 *for permanent residence who is denied a written*
 11 *summary of classified information under section*
 12 *506(b)(4) and with respect to which the proce-*
 13 *dures described in section 506(c) apply, any*
 14 *order issued by the judge shall be reviewed by the*
 15 *Court of Appeals for the District of Columbia*
 16 *Circuit.*

17 “(B) *USE OF SPECIAL ATTORNEY.—With re-*
 18 *spect to any issue relating to classified informa-*
 19 *tion that arises in such review, the alien shall be*
 20 *represented only by the special attorney des-*
 21 *ignated under section 506(c)(1) on behalf of the*
 22 *alien.*

23 “(d) *GENERAL PROVISIONS RELATING TO APPEALS.—*

24 “(1) *NOTICE.—A notice of appeal pursuant to*
 25 *subsection (b) or (c) (other than under subsection*

1 (c)(2)) must be filed within 20 days after the date of
2 the order with respect to which the appeal is sought,
3 during which time the order shall not be executed.

4 “(2) *TRANSMITTAL OF RECORD.*—In an appeal
5 or review to the Court of Appeals pursuant to sub-
6 section (b) or (c)—

7 “(A) the entire record shall be transmitted
8 to the Court of Appeals, and

9 “(B) information received pursuant to sec-
10 tion 505(e), and any portion of the judge’s order
11 that would reveal the substance or source of such
12 information, shall be transmitted under seal.

13 “(3) *EXPEDITED APPELLATE PROCEEDING.*—In
14 an appeal or review to the Court of Appeals pursuant
15 to subsection (b) or (c):

16 “(A) *REVIEW.*—The appeal or review shall
17 be heard as expeditiously as practicable and the
18 Court may dispense with full briefing and hear
19 the matter solely on the record of the judge of the
20 special removal court and on such briefs or mo-
21 tions as the Court may require to be filed by the
22 parties.

23 “(B) *DISPOSITION.*—The Court shall uphold
24 or reverse the judge’s order within 60 days after
25 the date of the issuance of the judge’s final order.

1 “(4) *STANDARD FOR REVIEW.*—*In an appeal or*
2 *review to the Court of Appeals pursuant to subsection*
3 *(b) or (c):*

4 “(A) *QUESTIONS OF LAW.*—*The Court of*
5 *Appeals shall review all questions of law de novo.*

6 “(B) *QUESTIONS OF FACT.*—(i) *Subject to*
7 *clause (ii), a prior finding on any question of*
8 *fact shall not be set aside unless such finding*
9 *was clearly erroneous.*

10 “(ii) *In the case of a review under sub-*
11 *section (c)(2) in which an alien lawfully admit-*
12 *ted for permanent residence was denied a writ-*
13 *ten summary of classified information under sec-*
14 *tion 506(b)(4), the Court of Appeals shall review*
15 *questions of fact de novo.*

16 “(e) *CERTIORARI.*—*Following a decision by the Court*
17 *of Appeals pursuant to subsection (b) or (c), either the alien*
18 *or the Department of Justice may petition the Supreme*
19 *Court for a writ of certiorari. In any such case, any infor-*
20 *mation transmitted to the Court of Appeals under seal shall,*
21 *if such information is also submitted to the Supreme Court,*
22 *be transmitted under seal. Any order of removal shall not*
23 *be stayed pending disposition of a writ of certiorari except*
24 *as provided by the Court of Appeals or a Justice of the Su-*
25 *preme Court.*

1 “(f) *APPEALS OF DETENTION ORDERS.*—

2 “(1) *IN GENERAL.*—*The provisions of sections*
3 *3145 through 3148 of title 18, United States Code,*
4 *pertaining to review and appeal of a release or deten-*
5 *tion order, penalties for failure to appear, penalties*
6 *for an offense committed while on release, and sanc-*
7 *tions for violation of a release condition shall apply*
8 *to an alien to whom section 508(b)(1) applies. In ap-*
9 *plying the previous sentence—*

10 “(A) *for purposes of section 3145 of such*
11 *title an appeal shall be taken to the United*
12 *States Court of Appeals for the District of Co-*
13 *lumbia Circuit, and*

14 “(B) *for purposes of section 3146 of such*
15 *title the alien shall be considered released in con-*
16 *nection with a charge of an offense punishable by*
17 *life imprisonment.*

18 “(2) *NO REVIEW OF CONTINUED DETENTION.*—
19 *The determinations and actions of the Attorney Gen-*
20 *eral pursuant to section 508(c)(2)(C) shall not be sub-*
21 *ject to judicial review, including application for a*
22 *writ of habeas corpus, except for a claim by the alien*
23 *that continued detention violates the alien’s rights*
24 *under the Constitution. Jurisdiction over any such*

1 *challenge shall lie exclusively in the United States*
2 *Court of Appeals for the District of Columbia Circuit.*

3 “DETENTION AND CUSTODY

4 “SEC. 508. (a) INITIAL CUSTODY.—

5 “(1) UPON FILING APPLICATION.—Subject to
6 paragraphs (2) and (3), the Attorney General may
7 take into custody any alien with respect to whom an
8 application under section 503 has been filed and, not-
9 withstanding any other provision of law, may retain
10 such an alien in custody in accordance with the pro-
11 cedures authorized by this title.

12 “(2) SPECIAL RULES FOR PERMANENT RESIDENT
13 ALIENS.—An alien lawfully admitted for permanent
14 residence shall be entitled to a release hearing before
15 the judge assigned to hear the special removal hear-
16 ing. Such an alien shall be detained pending the spe-
17 cial removal hearing, unless the alien demonstrates to
18 the court that—

19 “(A) the alien, if released upon such terms
20 and conditions as the court may prescribe (in-
21 cluding the posting of any monetary amount), is
22 not likely to flee, and

23 “(B) the alien’s release will not endanger
24 national security or the safety of any person or
25 the community.

1 *The judge may consider classified information sub-*
2 *mitted in camera and ex parte in making a deter-*
3 *mination under this paragraph.*

4 “(3) *RELEASE IF ORDER DENIED AND NO RE-*
5 *VIEW SOUGHT.—*

6 “(A) *IN GENERAL.—Subject to subpara-*
7 *graph (B), if a judge of the special removal court*
8 *denies the order sought in an application with*
9 *respect to an alien and the Department of Jus-*
10 *tice does not seek review of such denial, the alien*
11 *shall be released from custody.*

12 “(B) *APPLICATION OF REGULAR PROCE-*
13 *DURES.—Subparagraph (A) shall not prevent the*
14 *arrest and detention of the alien pursuant to*
15 *title II.*

16 “(b) *CONDITIONAL RELEASE IF ORDER DENIED AND*
17 *REVIEW SOUGHT.—*

18 “(1) *IN GENERAL.—If a judge of the special re-*
19 *moval court denies the order sought in an application*
20 *with respect to an alien and the Department of Jus-*
21 *tice seeks review of such denial, the judge shall release*
22 *the alien from custody subject to the least restrictive*
23 *condition or combination of conditions of release de-*
24 *scribed in section 3142(b) and clauses (i) through*
25 *(xiv) of section 3142(c)(1)(B) of title 18, United*

1 *States Code, that will reasonably assure the appear-*
 2 *ance of the alien at any future proceeding pursuant*
 3 *to this title and will not endanger the safety of any*
 4 *other person or the community.*

5 “(2) *NO RELEASE FOR CERTAIN ALIENS.*—*If the*
 6 *judge finds no such condition or combination of con-*
 7 *ditions, the alien shall remain in custody until the*
 8 *completion of any appeal authorized by this title.*

9 “(c) *CUSTODY AND RELEASE AFTER HEARING.*—

10 “(1) *RELEASE.*—

11 “(A) *IN GENERAL.*—*Subject to subpara-*
 12 *graph (B), if the judge decides pursuant to sec-*
 13 *tion 505(i) that an alien should not be removed,*
 14 *the alien shall be released from custody.*

15 “(B) *CUSTODY PENDING APPEAL.*—*If the*
 16 *Attorney General takes an appeal from such de-*
 17 *cision, the alien shall remain in custody, subject*
 18 *to the provisions of section 3142 of title 18,*
 19 *United States Code.*

20 “(2) *CUSTODY AND REMOVAL.*—

21 “(A) *CUSTODY.*—*If the judge decides pursu-*
 22 *ant to section 505(i) that an alien shall be re-*
 23 *moved, the alien shall be detained pending the*
 24 *outcome of any appeal. After the conclusion of*
 25 *any judicial review thereof which affirms the re-*

1 *moval order, the Attorney General shall retain*
2 *the alien in custody and remove the alien to a*
3 *country specified under subparagraph (B).*

4 *“(B) REMOVAL.—*

5 *“(i) IN GENERAL.—The removal of an*
6 *alien shall be to any country which the*
7 *alien shall designate if such designation*
8 *does not, in the judgment of the Attorney*
9 *General, in consultation with the Secretary*
10 *of State, impair the obligation of the United*
11 *States under any treaty (including a treaty*
12 *pertaining to extradition) or otherwise ad-*
13 *versely affect the foreign policy of the*
14 *United States.*

15 *“(ii) ALTERNATE COUNTRIES.—If the*
16 *alien refuses to designate a country to*
17 *which the alien wishes to be removed or if*
18 *the Attorney General, in consultation with*
19 *the Secretary of State, determines that re-*
20 *moval of the alien to the country so des-*
21 *ignated would impair a treaty obligation or*
22 *adversely affect United States foreign pol-*
23 *icy, the Attorney General shall cause the*
24 *alien to be removed to any country willing*
25 *to receive such alien.*

1 “(C) *CONTINUED DETENTION.*—If no coun-
2 try is willing to receive such an alien, the Attor-
3 ney General may, notwithstanding any other
4 provision of law, retain the alien in custody. The
5 Attorney General, in coordination with the Sec-
6 retary of State, shall make periodic efforts to
7 reach agreement with other countries to accept
8 such an alien and at least every 6 months shall
9 provide to the attorney representing the alien at
10 the special removal hearing a written report on
11 the Attorney General’s efforts. Any alien in cus-
12 tody pursuant to this subparagraph shall be re-
13 leased from custody solely at the discretion of the
14 Attorney General and subject to such conditions
15 as the Attorney General shall deem appropriate.

16 “(D) *FINGERPRINTING.*—Before an alien is
17 transported out of the United States pursuant to
18 this subsection, or pursuant to an order of exclu-
19 sion because such alien is excludable under sec-
20 tion 212(a)(3)(B), the alien shall be photo-
21 graphed and fingerprinted, and shall be advised
22 of the provisions of section 276(b).

23 “(d) *CONTINUED DETENTION PENDING TRIAL.*—

24 “(1) *DELAY IN REMOVAL.*—Notwithstanding the
25 provisions of subsection (c)(2), the Attorney General

1 *may hold in abeyance the removal of an alien who*
2 *has been ordered removed pursuant to this title to*
3 *allow the trial of such alien on any Federal or State*
4 *criminal charge and the service of any sentence of*
5 *confinement resulting from such a trial.*

6 “(2) *MAINTENANCE OF CUSTODY.—Pending the*
7 *commencement of any service of a sentence of confine-*
8 *ment by an alien described in paragraph (1), such an*
9 *alien shall remain in the custody of the Attorney Gen-*
10 *eral, unless the Attorney General determines that tem-*
11 *porary release of the alien to the custody of State au-*
12 *thorities for confinement in a State facility is appro-*
13 *priate and would not endanger national security or*
14 *public safety.*

15 “(3) *SUBSEQUENT REMOVAL.—Following the*
16 *completion of a sentence of confinement by an alien*
17 *described in paragraph (1) or following the comple-*
18 *tion of State criminal proceedings which do not result*
19 *in a sentence of confinement of an alien released to*
20 *the custody of State authorities pursuant to para-*
21 *graph (2), such an alien shall be returned to the cus-*
22 *tody of the Attorney General who shall proceed to*
23 *carry out the provisions of subsection (c)(2) concern-*
24 *ing removal of the alien.*

1 “(e) *APPLICATION OF CERTAIN PROVISIONS RELATING*
 2 *TO ESCAPE OF PRISONERS.*—For purposes of section 751
 3 *and 752 of title 18, United States Code, an alien in the*
 4 *custody of the Attorney General pursuant to this title shall*
 5 *be subject to the penalties provided by those sections in rela-*
 6 *tion to a person committed to the custody of the Attorney*
 7 *General by virtue of an arrest on a charge of a felony.*

8 “(f) *RIGHTS OF ALIENS IN CUSTODY.*—

9 “(1) *FAMILY AND ATTORNEY VISITS.*—An alien
 10 *in the custody of the Attorney General pursuant to*
 11 *this title shall be given reasonable opportunity to*
 12 *communicate with and receive visits from members of*
 13 *the alien’s family, and to contact, retain, and com-*
 14 *municate with an attorney.*

15 “(2) *DIPLOMATIC CONTACT.*—An alien in the
 16 *custody of the Attorney General pursuant to this title*
 17 *shall have the right to contact an appropriate diplo-*
 18 *matic or consular official of the alien’s country of*
 19 *citizenship or nationality or of any country provid-*
 20 *ing representation services therefore. The Attorney*
 21 *General shall notify the appropriate embassy, mis-*
 22 *sion, or consular office of the alien’s detention.”.*

23 “(b) *JURISDICTION OVER EXCLUSION ORDERS FOR*
 24 *ALIEN TERRORISTS.*—Section 106(b) of the Immigration
 25 *and Nationality Act (8 U.S.C. 1105a(b)) is amended by*

1 *adding at the end the following sentence: “Jurisdiction to*
 2 *review an order entered pursuant to the provisions of sec-*
 3 *tion 235(c) concerning an alien excludable under section*
 4 *212(a)(3)(B) shall rest exclusively in the United States*
 5 *Court of Appeals for the District of Columbia Circuit.”.*

6 *(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TER-*
 7 *RORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b))*
 8 *is amended—*

9 *(1) by striking “or” at the end of paragraph (1),*

10 *(2) by striking the period at the end of para-*
 11 *graph (2) and inserting “; or”, and*

12 *(3) by inserting after paragraph (2) the follow-*
 13 *ing new paragraph:*

14 *“(3) who has been excluded from the United*
 15 *States pursuant to section 235(c) because the alien*
 16 *was excludable under section 212(a)(3)(B) or who has*
 17 *been removed from the United States pursuant to the*
 18 *provisions of title V, and who thereafter, without the*
 19 *permission of the Attorney General, enters the United*
 20 *States or attempts to do so shall be fined under title*
 21 *18, United States Code, and imprisoned for a period*
 22 *of 10 years, which sentence shall not run concurrently*
 23 *with any other sentence.”.*

1 (d) *ELIMINATION OF CUSTODY REVIEW BY HABEAS*
 2 *CORPUS.*—Section 106(a) of such Act (8 U.S.C. 1105a(a))
 3 *is amended—*

4 (1) *by adding “and” at the end of paragraph*
 5 *(8),*

6 (2) *by striking “; and” at the end of paragraph*
 7 *(9) and inserting a period, and*

8 (3) *by striking paragraph (10).*

9 (e) *EFFECTIVE DATE.*—The amendments made by this
 10 *section shall take effect on the date of the enactment of this*
 11 *Act and shall apply to all aliens without regard to the date*
 12 *of entry or attempted entry into the United States.*

13 ***SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF***
 14 ***ALIEN TERRORISTS.***

15 *In addition to amounts otherwise appropriated, there*
 16 *are authorized to be appropriated for each fiscal year (be-*
 17 *ginning with fiscal year 1996) \$5,000,000 to the Immigra-*
 18 *tion and Naturalization Service for the purpose of detain-*
 19 *ing and removing alien terrorists.*

1 **PART 2—EXCLUSION AND DENIAL OF ASYLUM**

2 **FOR ALIEN TERRORISTS**

3 **SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS**

4 **GROUND FOR EXCLUSION.**

5 (a) *IN GENERAL.*—Section 212(a)(3)(B) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is
7 amended—

8 (1) *in clause (i)*—

9 (A) *by striking “or” at the end of subclause*

10 (I),

11 (B) *in subclause (II), by inserting “engaged*

12 *in or” after “believe,” and*

13 (C) *by inserting after subclause (II) the fol-*

14 *lowing:*

15 “(III) *is a representative of a ter-*

16 *rorist organization, or*

17 “(IV) *is a member of a terrorist*

18 *organization which the alien knows or*

19 *should have known is a terrorist orga-*

20 *nization,”; and*

21 (2) *by adding at the end the following:*

22 “(iv) *TERRORIST ORGANIZATION DE-*

23 *FINED.*—

24 “(I) *DESIGNATION.*—*For purposes*

25 *of this Act, the term ‘terrorist organi-*

26 *zation’ means a foreign organization*

1 *designated in the Federal Register as a*
2 *terrorist organization by the Secretary*
3 *of State, in consultation with the At-*
4 *torney General, based upon a finding*
5 *that the organization engages in, or*
6 *has engaged in, terrorist activity that*
7 *threatens the national security of the*
8 *United States.*

9 “(II) *PROCESS.—At least 3 days*
10 *before designating an organization as*
11 *a terrorist organization through publi-*
12 *cation in the Federal Register, the Sec-*
13 *retary of State, in consultation with*
14 *the Attorney General, shall notify the*
15 *Committees on the Judiciary of the*
16 *House of Representatives and the Sen-*
17 *ate of the intent to make such designa-*
18 *tion and the findings and basis for des-*
19 *ignation. The Secretary of State, in*
20 *consultation with the Attorney Gen-*
21 *eral, shall create an administrative*
22 *record and may use classified informa-*
23 *tion in making such a designation.*
24 *Such information is not subject to dis-*
25 *closure so long as it remains classified,*

1 *except that it may be disclosed to a*
2 *court ex parte and in camera under*
3 *subclause (III) for purposes of judicial*
4 *review of such a designation. The Sec-*
5 *retary of State, in consultation with*
6 *the Attorney General, shall provide no-*
7 *tice and an opportunity for public*
8 *comment prior to the creation of the*
9 *administrative record under this*
10 *subclause.*

11 *“(III) JUDICIAL REVIEW.—Any*
12 *organization designated as a terrorist*
13 *organization under the preceding pro-*
14 *visions of this clause may, not later*
15 *than 30 days after the date of the des-*
16 *ignation, seek judicial review thereof in*
17 *the United States Court of Appeals for*
18 *the District of Columbia Circuit. Such*
19 *review shall be based solely upon the*
20 *administrative record, except that the*
21 *Government may submit, for ex parte*
22 *and in camera review, classified infor-*
23 *mation considered in making the des-*
24 *ignation. The court shall hold unlawful*
25 *and set aside the designation if the*

1 *court finds the designation to be arbitrary,*
2 *capricious, an abuse of discretion,*
3 *or otherwise not in accordance*
4 *with law, lacking substantial support*
5 *in the administrative record taken as*
6 *a whole or in classified information*
7 *submitted to the court under the pre-*
8 *vious sentence, contrary to constitu-*
9 *tional right, power, privilege, or im-*
10 *munity, or not in accord with the pro-*
11 *cedures required by law.*

12 “(IV) CONGRESSIONAL AUTHOR-
13 *ITY TO REMOVE DESIGNATION.—The*
14 *Congress reserves the authority to re-*
15 *move, by law, the designation of an or-*
16 *ganization as a terrorist organization*
17 *for purposes of this Act.*

18 “(V) SUNSET.—Subject to
19 *subclause (IV), the designation under*
20 *this clause of an organization as a ter-*
21 *rorist organization shall be effective for*
22 *a period of 2 years from the date of the*
23 *initial publication of the terrorist or-*
24 *ganization designation by the Sec-*
25 *retary of State. At the end of such pe-*

1 *riod (but no sooner than 60 days prior*
2 *to the termination of the 2-year-des-*
3 *ignation period), the Secretary of*
4 *State, in consultation with the Attor-*
5 *ney General, may redesignate the orga-*
6 *nization in conformity with the re-*
7 *quirements of this clause for designa-*
8 *tion of the organization.*

9 “(VI) *OTHER AUTHORITY TO RE-*
10 *MOVE DESIGNATION.*—*The Secretary of*
11 *State, in consultation with the Attor-*
12 *ney General, may remove the terrorist*
13 *organization designation from any or-*
14 *ganization previously designated as*
15 *such an organization, at any time, so*
16 *long as the Secretary publishes notice*
17 *of the removal in the Federal Register.*
18 *The Secretary is not required to report*
19 *to Congress prior to so removing such*
20 *designation.*

21 “(v) *REPRESENTATIVE DEFINED.*—*In*
22 *this subparagraph, the term ‘representative’*
23 *includes an officer, official, or spokesman of*
24 *the organization and any person who di-*
25 *rects, counsels, commands or induces the or-*

1 ganization or its members to engage in ter-
 2 rorist activity. The determination by the
 3 Secretary of State or the Attorney General
 4 that an alien is a representative of a terror-
 5 ist organization shall be subject to judicial
 6 review.”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
 8 section shall take effect on the date of the enactment of this
 9 Act.

10 **SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.**

11 (a) *IN GENERAL.*—Section 208(a) of the Immigration
 12 and Nationality Act (8 U.S.C. 1158(a)) is amended by add-
 13 ing at the end the following: “The Attorney General may
 14 not grant an alien asylum if the Attorney General deter-
 15 mines that the alien is excludable under subclause (I), (II),
 16 or (III) of section 212(a)(3)(B)(i) or deportable under sec-
 17 tion 241(a)(4)(B).”.

18 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 19 section (a) shall take effect on the date of the enactment
 20 of this Act and apply to asylum determinations made on
 21 or after such date.

22 **SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERROR-**
 23 **ISTS.**

24 (a) *WITHHOLDING OF DEPORTATION.*—Section
 25 243(h)(2) of the Immigration and Nationality Act (8

1 *U.S.C. 1253(h)(2)) is amended by adding at the end the*
 2 *following new sentence: “For purposes of subparagraph (D),*
 3 *an alien who is described in section 241(a)(4)(B) shall be*
 4 *considered to be an alien for whom there are reasonable*
 5 *grounds for regarding as a danger to the security of the*
 6 *United States.”.*

7 *(b) SUSPENSION OF DEPORTATION.—Section 244(a) of*
 8 *such Act (8 U.S.C. 1254(a)) is amended by striking “section*
 9 *241(a)(4)(D)” and inserting “subparagraph (B) or (D) of*
 10 *section 241(a)(4)”.*

11 *(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of*
 12 *such Act (8 U.S.C. 1254(e)(2)) is amended by inserting*
 13 *“under section 241(a)(4)(B) or” after “who is deportable”.*

14 *(d) ADJUSTMENT OF STATUS.—Section 245(c) of such*
 15 *Act (8 U.S.C. 1255(c)) is amended—*

16 *(1) by striking “or” before “(5)”, and*

17 *(2) by inserting before the period at the end the*
 18 *following: “, or (6) an alien who is deportable under*
 19 *section 241(a)(4)(B)”.*

20 *(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C.*
 21 *1259(d)) is amended by inserting “and is not deportable*
 22 *under section 241(a)(4)(B)” after “ineligible to citizen-*
 23 *ship”.*

24 *(f) EFFECTIVE DATE.—The amendments made by this*
 25 *section shall take effect on the date of the enactment of this*

1 *Act and shall apply to applications filed before, on, or after*
 2 *such date if final action has not been taken on them before*
 3 *such date.*

4 ***Subtitle B—Expedited Exclusion***

5 ***SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION***

6 ***OFFICERS.***

7 *(a) IN GENERAL.—Subsection (b) of section 235 of the*
 8 *Immigration and Nationality Act (8 U.S.C. 1225) is*
 9 *amended to read as follows:*

10 *“(b)(1)(A) If the examining immigration officer deter-*
 11 *mines that an alien seeking entry—*

12 *“(i) is excludable under section 212(a)(6)(C) or*
 13 *212(a)(7), and*

14 *“(ii) does not indicate either an intention to*
 15 *apply for asylum under section 208 or a fear of perse-*
 16 *cution,*

17 *the officer shall order the alien excluded from the United*
 18 *States without further hearing or review.*

19 *“(B) The examining immigration officer shall refer for*
 20 *an interview by an asylum officer under subparagraph (C)*
 21 *any alien who is excludable under section 212(a)(6)(C) or*
 22 *212(a)(7) and has indicated an intention to apply for asy-*
 23 *lum under section 208 or a fear of persecution.*

24 *“(C)(i) An asylum officer shall promptly conduct*
 25 *interviews of aliens referred under subparagraph (B).*

1 “(ii) If the officer determines at the time of the inter-
2 view that an alien has a credible fear of persecution (as
3 defined in clause (v)), the alien shall be detained for an
4 asylum hearing before an asylum officer under section 208.

5 “(iii)(I) Subject to subclause (II), if the officer deter-
6 mines that the alien does not have a credible fear of persecu-
7 tion, the officer shall order the alien excluded from the
8 United States without further hearing or review.

9 “(II) The Attorney General shall promulgate regula-
10 tions to provide for the immediate review by a supervisory
11 asylum office at the port of entry of a determination under
12 subclause (I).

13 “(iv) The Attorney General shall provide information
14 concerning the asylum interview described in this subpara-
15 graph to aliens who may be eligible. An alien who is eligible
16 for such interview may consult with a person or persons
17 of the alien’s choosing prior to the interview or any review
18 thereof, according to regulations prescribed by the Attorney
19 General. Such consultation shall be at no expense to the
20 Government and shall not delay the process.

21 “(v) For purposes of this subparagraph, the term ‘cred-
22 ible fear of persecution’ means (I) that it is more probable
23 than not that the statements made by the alien in support
24 of the alien’s claim are true, and (II) that there is a signifi-
25 cant possibility, in light of such statements and of such

1 *other facts as are known to the officer, that the alien could*
2 *establish eligibility for asylum under section 208.*

3 “(D) *As used in this paragraph, the term ‘asylum offi-*
4 *cer’ means an immigration officer who—*

5 “(i) *has had professional training in country*
6 *conditions, asylum law, and interview techniques;*
7 *and*

8 “(ii) *is supervised by an officer who meets the*
9 *condition in clause (i).*

10 “(E)(i) *An exclusion order entered in accordance with*
11 *subparagraph (A) is not subject to administrative appeal,*
12 *except that the Attorney General shall provide by regulation*
13 *for prompt review of such an order against an alien who*
14 *claims under oath, or as permitted under penalty of perjury*
15 *under section 1746 of title 28, United States Code, after*
16 *having been warned of the penalties for falsely making such*
17 *claim under such conditions, to have been lawfully admitted*
18 *for permanent residence.*

19 “(ii) *In any action brought against an alien under*
20 *section 275(a) or section 276, the court shall not have juris-*
21 *dition to hear any claim attacking the validity of an order*
22 *of exclusion entered under subparagraph (A).*

23 “(2)(A) *Except as provided in subparagraph (B), if*
24 *the examining immigration officer determines that an alien*
25 *seeking entry is not clearly and beyond a doubt entitled*

1 *to enter, the alien shall be detained for a hearing before*
 2 *a special inquiry officer.*

3 “(B) *The provisions of subparagraph (A) shall not*
 4 *apply—*

5 “(i) *to an alien crewman,*

6 “(ii) *to an alien described in paragraph (1)(A)*
 7 *or (1)(C)(iii)(I), or*

8 “(iii) *if the conditions described in section*
 9 *273(d) exist.*

10 “(3) *The decision of the examining immigration offi-*
 11 *cer, if favorable to the admission of any alien, shall be sub-*
 12 *ject to challenge by any other immigration officer and such*
 13 *challenge shall operate to take the alien whose privilege to*
 14 *enter is so challenged, before a special inquiry officer for*
 15 *a hearing on exclusion of the alien.”.*

16 (b) *CONFORMING AMENDMENT.—Section 237(a) of*
 17 *such Act (8 U.S.C. 1227(a)) is amended—*

18 (1) *in the second sentence of paragraph (1), by*
 19 *striking “Deportation” and inserting “Subject to sec-*
 20 *tion 235(b)(1), deportation”, and*

21 (2) *in the first sentence of paragraph (2), by*
 22 *striking “If” and inserting “Subject to section*
 23 *235(b)(1), if”.*

24 (c) *EFFECTIVE DATE.—The amendments made by this*
 25 *section shall take effect on the first day of the first month*

1 *that begins more than 90 days after the date of the enact-*
2 *ment of this Act.*

3 ***SEC. 622. JUDICIAL REVIEW.***

4 *(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106*
5 *of the Immigration and Nationality Act (8 U.S.C. 1105a)*
6 *is amended—*

7 *(1) by amending the section heading to read as*
8 *follows:*

9 *“JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND*
10 *EXCLUSION, AND SPECIAL EXCLUSION”; and*

11 *(2) by adding at the end the following new sub-*
12 *section:*

13 *“(e)(1) Notwithstanding any other provision of law,*
14 *and except as provided in this subsection, no court shall*
15 *have jurisdiction to review any individual determination,*
16 *or to entertain any other cause or claim, arising from or*
17 *relating to the implementation or operation of section*
18 *235(b)(1). Regardless of the nature of the action or claim,*
19 *or the party or parties bringing the action, no court shall*
20 *have jurisdiction or authority to enter declaratory, injunc-*
21 *tive, or other equitable relief not specifically authorized in*
22 *this subsection nor to certify a class under Rule 23 of the*
23 *Federal Rules of Civil Procedure.*

24 *“(2) Judicial review of any cause, claim, or individual*
25 *determination covered under paragraph (1) shall only be*

1 *available in habeas corpus proceedings, and shall be limited*
2 *to determinations of—*

3 “(A) *whether the petitioner is an alien, if the pe-*
4 *tioner makes a showing that the petitioner’s claim*
5 *of United States nationality is not frivolous;*

6 “(B) *whether the petitioner was ordered specially*
7 *excluded under section 235(b)(1)(A); and*

8 “(C) *whether the petitioner can prove by a pre-*
9 *ponderance of the evidence that the petitioner is an*
10 *alien lawfully admitted for permanent residence and*
11 *is entitled to such review as is provided by the Attor-*
12 *ney General pursuant to section 235(b)(1)(E)(i).*

13 “(3) *In any case where the court determines that an*
14 *alien was not ordered specially excluded, or was not prop-*
15 *erly subject to special exclusion under the regulations adopt-*
16 *ed by the Attorney General, the court may order no relief*
17 *beyond requiring that the alien receive a hearing in accord-*
18 *ance with section 236, or a determination in accordance*
19 *with section 235(c) or 273(d).*

20 “(4) *In determining whether an alien has been ordered*
21 *specially excluded, the court’s inquiry shall be limited to*
22 *whether such an order was in fact issued and whether it*
23 *relates to the petitioner.”.*

1 (b) *PRECLUSION OF COLLATERAL ATTACKS.*—Section
 2 235 of such Act (8 U.S.C. 1225) is amended by adding at
 3 the end the following new subsection:

4 “(d) In any action brought for the assessment of pen-
 5 alties for improper entry or re-entry of an alien under sec-
 6 tion 275 or section 276, no court shall have jurisdiction
 7 to hear claims collaterally attacking the validity of orders
 8 of exclusion, special exclusion, or deportation entered under
 9 this section or sections 236 and 242.”.

10 (c) *CLERICAL AMENDMENT.*—The item relating to sec-
 11 tion 106 in the table of contents of such Act is amended
 12 to read as follows:

“Sec. 106. Judicial review of orders of deportation and exclusion, and special ex-
 clusion.”.

13 **SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN IN-**
 14 **SPECTED AND ADMITTED.**

15 (a) *IN GENERAL.*—Section 241 of the Immigration
 16 and Nationality Act (8 U.S.C. 1251) is amended by adding
 17 at the end the following new subsection:

18 “(d) Notwithstanding any other provision of this title,
 19 an alien found in the United States who has not been ad-
 20 mitted to the United States after inspection in accordance
 21 with section 235 is deemed for purposes of this Act to be
 22 seeking entry and admission to the United States and shall
 23 be subject to examination and exclusion by the Attorney
 24 General under chapter 4. In the case of such an alien the

1 *Attorney General shall provide by regulation an oppor-*
 2 *tunity for the alien to establish that the alien was so admit-*
 3 *ted.”.*

4 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 5 *section (a) shall take effect on the first day of the first*
 6 *month beginning more than 90 days after the date of the*
 7 *enactment of this Act.*

8 ***Subtitle C—Improved Information***
 9 ***and Processing***

10 ***PART 1—IMMIGRATION PROCEDURES***

11 ***SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES***
 12 ***THROUGH COURT ORDER.***

13 *(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of*
 14 *the Immigration and Nationality Act (8 U.S.C.*
 15 *1255a(c)(5)) is amended—*

16 *(1) by inserting “(i)” after “except that the At-*
 17 *torney General”, and*

18 *(2) by inserting after “title 13, United States*
 19 *Code” the following: “and (ii) may authorize an ap-*
 20 *plication to a Federal court of competent jurisdiction*
 21 *for, and a judge of such court may grant, an order*
 22 *authorizing disclosure of information contained in the*
 23 *application of the alien to be used—*

1 “(I) for identification of the alien when
2 there is reason to believe that the alien has been
3 killed or severely incapacitated; or

4 “(II) for criminal law enforcement purposes
5 against the alien whose application is to be dis-
6 closed if the alleged criminal activity occurred
7 after the legalization application was filed and
8 such activity involves terrorist activity or poses
9 either an immediate risk to life or to national se-
10 curity, or would be prosecutable as an aggra-
11 vated felony, but without regard to the length of
12 sentence that could be imposed on the appli-
13 cant”.

14 (b) *SPECIAL AGRICULTURAL WORKER PROGRAM.*—

15 Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

16 (1) in paragraph (5), by inserting “, except as
17 allowed by a court order issued pursuant to para-
18 graph (6)” after “consent of the alien”, and

19 (2) in paragraph (6), by inserting after subpara-
20 graph (C) the following:

21 “Notwithstanding the previous sentence, the Attorney
22 General may authorize an application to a Federal
23 court of competent jurisdiction for, and a judge of
24 such court may grant, an order authorizing disclosure
25 of information contained in the application of the

1 *alien to be used (i) for identification of the alien*
 2 *when there is reason to believe that the alien has been*
 3 *killed or severely incapacitated, or (ii) for criminal*
 4 *law enforcement purposes against the alien whose ap-*
 5 *plication is to be disclosed if the alleged criminal ac-*
 6 *tivity occurred after the special agricultural worker*
 7 *application was filed and such activity involves ter-*
 8 *rorist activity or poses either an immediate risk to*
 9 *life or to national security, or would be prosecutable*
 10 *as an aggravated felony, but without regard to the*
 11 *length of sentence that could be imposed on the appli-*
 12 *cant.”.*

13 ***SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DE-***
 14 ***NIAL OF APPLICATION FOR VISAS.***

15 *Section 212(b) of the Immigration and Nationality*
 16 *Act (8 U.S.C. 1182(b)) is amended—*

17 *(1) by redesignating paragraphs (1) and (2) as*
 18 *subparagraphs (A) and (B);*

19 *(2) by striking “If” and inserting “(1) Subject*
 20 *to paragraph (2), if”; and*

21 *(3) by adding at the end the following new para-*
 22 *graph:*

23 *“(2) With respect to applications for visas, the Sec-*
 24 *retary of State may waive the application of paragraph*

1 *(1) in the case of a particular alien or any class or classes*
 2 *of aliens excludable under subsection (a)(2) or (a)(3).”.*

3 ***PART 2—ASSET FORFEITURE FOR PASSPORT AND***
 4 ***VISA OFFENSES***

5 ***SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA***
 6 ***RELATED OFFENSES.***

7 *Section 982 of title 18, United States Code, is amend-*
 8 *ed—*

9 *(1) in subsection (a), by inserting after para-*
 10 *graph (5) the following new paragraph:*

11 *“(6) The court, in imposing sentence on a person con-*
 12 *victed of a violation of, or conspiracy to violate, section*
 13 *1541, 1542, 1543, 1544, or 1546 of this title, or a violation*
 14 *of, or conspiracy to violate, section 1028 of this title if com-*
 15 *mitted in connection with passport or visa issuance or use,*
 16 *shall order that the person forfeit to the United States any*
 17 *property, real or personal, which the person used, or in-*
 18 *tended to be used, in committing, or facilitating the com-*
 19 *mission of, the violation, and any property constituting, or*
 20 *derived from, or traceable to, any proceeds the person ob-*
 21 *tained, directly or indirectly, as a result of such violation.”;*
 22 *and*

23 *(2) in subsection (b)(1)(B), by inserting “or*
 24 *(a)(6)” after “(a)(2)”.*

1 **SEC. 642. SUBPOENAS FOR BANK RECORDS.**

2 Section 986(a) of title 18, United States Code, is
3 amended by inserting “1028, 1541, 1542, 1543, 1544,
4 1546,” before “1956”.

5 **SEC. 643. EFFECTIVE DATE.**

6 The amendments made by this subtitle shall take effect
7 on the first day of the first month that begins more than
8 90 days after the date of the enactment of this Act.

9 **Subtitle D—Employee Verification**
10 **by Security Services Companies**

11 **SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO**
12 **REQUEST ADDITIONAL DOCUMENTATION.**

13 (a) *IN GENERAL.*—Section 274B(a)(6) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1324b(a)(6)) is
15 amended—

16 (1) by striking “For purposes” and inserting
17 “(A) Except as provided in subparagraph (B), for
18 purposes”, and

19 (2) by adding at the end the following new sub-
20 paragraph:

21 “(B) Subparagraph (A) shall not apply to a re-
22 quest made in connection with an individual seeking
23 employment in a company (or division of a com-
24 pany) engaged in the business of providing security
25 services to protect persons, institutions, buildings, or

1 *other possible targets of terrorism (as defined in sec-*
 2 *tion 2331(1) of title 18, United States Code).”.*

3 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 4 *section (a) shall apply to requests for documents made on*
 5 *or after the date of the enactment of this Act with respect*
 6 *to individuals who are or were hired before, on, or after*
 7 *the date of the enactment of this Act.*

8 ***TITLE VII—AUTHORIZATION AND*** 9 ***FUNDING***

10 ***SEC. 701. AUTHORIZATION OF APPROPRIATIONS.***

11 *There is authorized to be appropriated for each of fis-*
 12 *cal years 1996 through 2000 to the Federal Bureau of Inves-*
 13 *tigation such sums as are necessary—*

14 *(1) to hire additional personnel, and to procure*
 15 *equipment, to support expanded investigations of do-*
 16 *mestic and international terrorism activities;*

17 *(2) to establish a Domestic Counterterrorism*
 18 *Center to coordinate and centralize Federal, State,*
 19 *and local law enforcement efforts in response to major*
 20 *terrorist incidents, and as a clearinghouse for all do-*
 21 *mestic and international terrorism information and*
 22 *intelligence; and*

23 *(3) to cover costs associated with providing law*
 24 *enforcement coverage of public events offering the po-*

1 *tential of being targeted by domestic or international*
 2 *terrorists.*

3 ***SEC. 702. CIVIL MONETARY PENALTY SURCHARGE AND***
 4 ***TELECOMMUNICATIONS CARRIER COMPLI-***
 5 ***ANCE PAYMENTS.***

6 *Public Law 103–414 is amended by adding at the end*
 7 *the following:*

8 ***“TITLE IV—CIVIL MONETARY***
 9 ***PENALTY SURCHARGE AND***
 10 ***TELECOMMUNICATIONS CAR-***
 11 ***RIER COMPLIANCE PAYMENTS***

12 ***“SEC. 401. CIVIL MONETARY PENALTY SURCHARGE.***

13 *“(a) IMPOSITION.—Notwithstanding any other provi-*
 14 *sion of law, and subject to section 402(c) of this title, a*
 15 *surcharge of 40 percent of the principal amount of a civil*
 16 *monetary penalty shall be added to each civil monetary*
 17 *penalty at the time it is assessed by the United States or*
 18 *an agency thereof.*

19 *“(b) APPLICATION OF PAYMENTS.—Payments relating*
 20 *to a civil monetary penalty shall be applied in the following*
 21 *order: (1) to costs; (2) to principal; (3) to surcharges re-*
 22 *quired by subsection (a) of this section; and (4) to interest.*

23 *“(c) EFFECTIVE DATES.—(1) A surcharge under sub-*
 24 *section (a) of this section shall be added to all civil mone-*

1 tary penalties assessed on or after October 1, 1995, or the
 2 date of enactment of this title, whichever is later.

3 “(2) The authority to add a surcharge under this sec-
 4 tion shall terminate on October 1, 1998.

5 “(d) *LIMITATION.*—The provisions of this section shall
 6 not apply to any civil monetary penalty assessed under title
 7 26, United States Code.

8 **“SEC. 402. DEPARTMENT OF JUSTICE TELECOMMUNI-**
 9 **CATIONS CARRIER COMPLIANCE FUND.**

10 “(a) *ESTABLISHMENT OF FUND.*—There is hereby es-
 11 tablished in the United States Treasury a fund to be known
 12 as the Department of Justice Telecommunications Carrier
 13 Compliance Fund (hereinafter referred to as ‘the Fund’),
 14 which shall be available to the Attorney General to the ex-
 15 tent and in the amounts authorized by subsection (c) of this
 16 section to make payments to telecommunications carriers,
 17 as authorized by section 109.

18 “(b) *OFFSETTING COLLECTIONS.*—Notwithstanding
 19 section 3302 of title 31, United States Code, the Attorney
 20 General may credit surcharges added pursuant to section
 21 401 of this title to the Fund as offsetting collections.

22 “(c) *REQUIREMENTS FOR APPROPRIATIONS OFFSET.*—
 23 (1) Surcharges added pursuant to section 401 of this title
 24 are authorized only to the extent and in the amounts pro-
 25 vided for in advance in appropriations acts.

1 “(2)(A) *Collections credited to the Fund are authorized*
2 *to be appropriated in such amounts as may be necessary,*
3 *but not to exceed \$100,000,000 in fiscal year 1996,*
4 *\$305,000,000 in fiscal year 1997, and \$80,000,000 in fiscal*
5 *year 1998.*

6 “(B) *Amounts described in subparagraph (A) of this*
7 *paragraph are authorized to be appropriated without fiscal*
8 *year limitation.*

9 “(d) *TERMINATION.—(1) The Attorney General may*
10 *terminate the Fund at such time as the Attorney General*
11 *determines that the Fund is no longer necessary.*

12 “(2) *Any balance in the Fund at the time of its termi-*
13 *nation shall be deposited in the general fund of the Treas-*
14 *ury.*

15 “(3) *A decision of the Attorney General to terminate*
16 *the Fund shall not be subject to judicial review.*

17 **“SEC. 403. DEFINITIONS.**

18 *“For purposes of this title, the terms ‘agency’ and ‘civil*
19 *monetary penalty’ have the meanings given to them by sec-*
20 *tion 3 of the Federal Civil Penalties Inflation Adjustment*
21 *Act of 1990, Public Law 101–410, Oct. 5, 1990, 104 Stat.*
22 *890 (28 U.S.C. 2461 note).”.*

1 **SEC. 703. FIREFIGHTER AND EMERGENCY SERVICES TRAIN-**
2 **ING**

3 *The Attorney General may award grants in consulta-*
4 *tion with the Federal Emergency Management Agency for*
5 *the purposes of providing specialized training or equipment*
6 *to enhance the capability of metropolitan fire and emer-*
7 *gency service departments to respond to terrorist attacks.*
8 *To carry out the purposes of this section, there is authorized*
9 *to be appropriated \$5,000,000 for fiscal year 1996.*

10 **SEC. 704. ASSISTANCE TO FOREIGN COUNTRIES TO PRO-**
11 **CURE EXPLOSIVE DETECTION DEVICES AND**
12 **OTHER COUNTER-TERRORISM TECHNOLOGY.**

13 *There is authorized to be appropriated not to exceed*
14 *\$10,000,000 for each fiscal year to the Attorney General to*
15 *provide assistance to foreign countries facing an imminent*
16 *danger of terrorist attack that threatens the national inter-*
17 *est of the United States or puts United States nationals*
18 *at risk—*

- 19 *(1) in obtaining explosive detection devices and*
20 *other counter-terrorism technology; and*
21 *(2) in conducting research and development*
22 *projects on such technology.*

1 **SEC. 705. RESEARCH AND DEVELOPMENT TO SUPPORT**
 2 **COUNTERTERRORISM TECHNOLOGIES.**

3 *There are authorized to be appropriated not to exceed*
 4 *\$10,000,000 to the National Institute of Justice Science and*
 5 *Technology Office—*

6 *(1) to develop technologies that can be used to*
 7 *combat terrorism, including technologies in the areas*
 8 *of—*

9 *(A) detection of weapons, explosives, chemi-*
 10 *cals, and persons;*

11 *(B) tracking;*

12 *(C) surveillance;*

13 *(D) vulnerability assessment; and*

14 *(E) information technologies;*

15 *(2) to develop standards to ensure the adequacy*
 16 *of products produced and compatibility with relevant*
 17 *national systems; and*

18 *(3) to identify and assess requirements for tech-*
 19 *nologies to assist State and local law enforcement in*
 20 *the national program to combat terrorism.*

21 **TITLE VIII—MISCELLANEOUS**

22 **SEC. 801. MACHINE READABLE VISAS AND PASSPORTS.**

23 *Section 140(a) of the Foreign Relations Authorization*
 24 *Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is*
 25 *amended—*

1 (1) by striking paragraphs (2) and (3) and in-
2 serting the following:

3 “(2) For fiscal years 1996 and 1997, not more
4 than \$250,000,000 in fees collected under the author-
5 ity of paragraph (1) shall be deposited as an offset-
6 ting collection to any Department of State appropri-
7 ation to recover the costs of the Department of State’s
8 border security program, including the costs of—

9 “(A) installation and operation of the ma-
10 chine readable visa and automated name-check
11 process;

12 “(B) improving the quality and security of
13 the United States passport;

14 “(C) passport and visa fraud investigations;
15 and

16 “(D) the technological infrastructure to sup-
17 port and operate the programs referred to in sub-
18 paragraphs (A) through (C).

19 Such fees shall remain available for obligation until
20 expended.

21 “(3) For any fiscal year, fees collected under the
22 authority of paragraph (1) in excess of the amount
23 specified for such fiscal year under paragraph (2)
24 shall be deposited in the general fund of the Treasury
25 as miscellaneous receipts.”; and

1 (2) *by striking paragraph (5).*

2 **SEC. 802. STUDY OF STATE LICENSING REQUIREMENTS FOR**
 3 **THE PURCHASE AND USE OF HIGH EXPLO-**
 4 **SIVES.**

5 *The Secretary of the Treasury, in consultation with*
 6 *the Federal Bureau of Investigation, shall conduct a study*
 7 *of State licensing requirements for the purchase and use of*
 8 *commercial high explosives, including detonators, detonat-*
 9 *ing cords, dynamite, water gel, emulsion, blasting agents,*
 10 *and boosters. Not later than 180 days after the date of the*
 11 *enactment of this Act, the Secretary shall report to Congress*
 12 *the results of this study, together with any recommendations*
 13 *the Secretary determines are appropriate.*

14 **SEC. 803. COMPENSATION OF VICTIMS OF TERRORISM.**

15 (a) *REQUIRING COMPENSATION FOR TERRORIST*
 16 *CRIMES.—Section 1403(d)(3) of the Victims of Crime Act*
 17 *of 1984 (42 U.S.C. 10603(d)(3)) is amended—*

18 (1) *by inserting “crimes involving terrorism,”*
 19 *before “driving while intoxicated”; and*

20 (2) *by inserting a comma after “driving while*
 21 *intoxicated”.*

22 (b) *FOREIGN TERRORISM.—Section 1403(b)(6)(B) of*
 23 *the Victims of Crime Act of 1984 (42 U.S.C.*
 24 *10603(b)(6)(B)) is amended by inserting “are outside the*
 25 *United States (if the compensable crime is terrorism, as de-*

1 *fined in section 2331 of title 18, United States Code), or”*
2 *before “are States not having”.*

3 ***SEC. 804. JURISDICTION FOR LAWSUITS AGAINST TERROR-***
4 ***IST STATES.***

5 *(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY*
6 *FOR CERTAIN CASES.—Section 1605 of title 28, United*
7 *States Code, is amended—*

8 *(1) in subsection (a)—*

9 *(A) by striking “or” at the end of para-*
10 *graph (5);*

11 *(B) by striking the period at the end of*
12 *paragraph (6) and inserting “; or”; and*

13 *(C) by adding at the end the following new*
14 *paragraph:*

15 *“(7) not otherwise covered by paragraph (2), in*
16 *which money damages are sought against a foreign*
17 *state for personal injury or death that was caused by*
18 *an act of torture, extrajudicial killing, aircraft sabo-*
19 *tage, hostage taking, or the provision of material sup-*
20 *port or resources (as defined in section 2339A of title*
21 *18) for such an act if such act or provision of mate-*
22 *rial support is engaged in by an official, employee, or*
23 *agent of such foreign state while acting within the*
24 *scope of his or her office, employment, or agency, ex-*
25 *cept that—*

1 “(A) an action under this paragraph shall
2 not be instituted unless the claimant first affords
3 the foreign state a reasonable opportunity to ar-
4 bitrate the claim in accordance with accepted
5 international rules of arbitration;

6 “(B) an action under this paragraph shall
7 not be maintained unless the act upon which the
8 claim is based occurred while the individual
9 bringing the claim was a national of the United
10 States (as that term is defined in section
11 101(a)(22) of the Immigration and Nationality
12 Act); and

13 “(C) the court shall decline to hear a claim
14 under this paragraph if the foreign state against
15 whom the claim has been brought establishes that
16 procedures and remedies are available in such
17 state which comport with fundamental fairness
18 and due process.”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(e) For purposes of paragraph (7) of subsection (a)—

22 “(1) the terms ‘torture’ and ‘extrajudicial killing’
23 have the meaning given those terms in section 3 of the
24 Torture Victim Protection Act of 1991;

1 “(2) the term ‘hostage taking’ has the meaning
2 given that term in Article 1 of the International Con-
3 vention Against the Taking of Hostages; and

4 “(3) the term ‘aircraft sabotage’ has the meaning
5 given that term in Article 1 of the Convention for the
6 Suppression of Unlawful Acts Against the Safety of
7 Civil Aviation.”.

8 (b) *EXCEPTION TO IMMUNITY FROM ATTACHMENT.*—

9 (1) *FOREIGN STATE.*—Section 1610(a) of title
10 28, *United States Code*, is amended—

11 (A) by striking the period at the end of
12 paragraph (6) and inserting “, or”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(7) the judgment relates to a claim for which
16 the foreign state is not immune under section
17 1605(a)(7), regardless of whether the property is or
18 was involved with the act upon which the claim is
19 based.”.

20 (2) *AGENCY OR INSTRUMENTALITY.*—Section
21 1610(b)(2) of such title is amended—

22 (A) by striking “or (5)” and inserting “(5),
23 or (7)”; and

24 (B) by striking “used for the activity” and
25 inserting “involved in the act”.

1 (c) *APPLICABILITY.*—*The amendments made by this*
 2 *title shall apply to any cause of action arising before, on,*
 3 *or after the date of the enactment of this Act.*

4 ***SEC. 805. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL***
 5 ***MATERIAL ON THE MAKING OF BOMBS, DE-***
 6 ***STRUCTIVE DEVICES, AND WEAPONS OF MASS***
 7 ***DESTRUCTION.***

8 (a) *STUDY.*—*The Attorney General, in consultation*
 9 *with such other officials and individuals as the Attorney*
 10 *General deems appropriate, shall conduct a study concern-*
 11 *ing—*

12 (1) *the extent to which there are available to the*
 13 *public material in any medium (including print,*
 14 *electronic, or film) that instructs how to make bombs,*
 15 *other destructive devices, and weapons of mass de-*
 16 *struction;*

17 (2) *the extent to which information gained from*
 18 *such material has been used in incidents of domestic*
 19 *and international terrorism;*

20 (3) *the likelihood that such information may be*
 21 *used in future incidents of terrorism; and*

22 (4) *the application of existing Federal laws to*
 23 *such material, the need and utility, if any, for addi-*
 24 *tional laws, and an assessment of the extent to which*

1 *the First Amendment protects such material and its*
 2 *private and commercial distribution.*

3 *(b) REPORT.—Not later than 180 days after the date*
 4 *of the enactment of this Act, the Attorney General shall sub-*
 5 *mit to the Congress a report that contains the results of*
 6 *the study required by this section. The Attorney General*
 7 *shall make the report available to the public.*

8 **SEC. 806. COMPILATION OF STATISTICS RELATING TO IN-**
 9 **TIMIDATION OF GOVERNMENT EMPLOYEES.**

10 *(a) FINDINGS.—Congress finds that—*

11 *(1) threats of violence and acts of violence are*
 12 *mounting against Federal, State, and local govern-*
 13 *ment employees and their families in attempts to stop*
 14 *public servants from performing their lawful duties;*

15 *(2) these acts are a danger to our constitutional*
 16 *form of government; and*

17 *(3) more information is needed as to the extent*
 18 *of the danger and its nature so that steps can be*
 19 *taken to protect public servants at all levels of govern-*
 20 *ment in the performance of their duties.*

21 *(b) STATISTICS.—The Attorney General shall acquire*
 22 *data, for the calendar year 1990 and each succeeding cal-*
 23 *endar year about crimes and incidents of threats of violence*
 24 *and acts of violence against Federal, State, and local gov-*

1 *ernment employees in performance of their lawful duties.*

2 *Such data shall include—*

3 *(1) in the case of crimes against such employees,*
 4 *the nature of the crime; and*

5 *(2) in the case of incidents of threats of violence*
 6 *and acts of violence, including verbal and implicit*
 7 *threats against such employees, whether or not crimi-*
 8 *nally punishable, which deter the employees from the*
 9 *performance of their jobs.*

10 *(c) GUIDELINES.—The Attorney General shall estab-*
 11 *lish guidelines for the collection of such data, including*
 12 *what constitutes sufficient evidence of noncriminal inci-*
 13 *dents required to be reported.*

14 *(d) ANNUAL PUBLISHING.—The Attorney General*
 15 *shall publish an annual summary of the data acquired*
 16 *under this section. Otherwise such data shall be used only*
 17 *for research and statistical purposes.*

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